

FIFTY-THIRD DAY

(Monday, April 14, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

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| Mr. Speaker | Gandy |
| Allison | Gilmer |
| Alsup | Goodman |
| Anderson | Halsey |
| Avant | Hanna |
| Bailey | Hardeman |
| Baker | Hargis |
| Bean | Harris of Dallas |
| Bell | Harris of Hill |
| Benton | Hartzog |
| Blankenship | Heflin |
| Boone | Helpinstill |
| Brawner | Henderson |
| Bray | Hileman |
| Bridgers | Hobbs |
| Brown | Howard |
| Bruhl | Howington |
| Bullock | Hoyo |
| Bundy | Huddleston |
| Burkett | Huffman |
| Burnaman | Hughes |
| Carlton | Humphrey |
| Carrington | Hutchinson |
| Cato | Isaacks |
| Celaya | Jones |
| Chambers | Kelly |
| Clark | Kennedy |
| Cleveland | Kersey |
| Coker | Kinard |
| Colson, Mrs. | King |
| Connelly | Klingeman |
| Craig | Knight |
| Crossley | Lansberry |
| Crothwait | Lehman |
| Daniel | Leyendecker |
| Davis | Little |
| Deen | Lock |
| Dickson of Bexar | Love |
| Dickson of Nolan | Lowry |
| Donald | Lucas |
| Dove | Lyle |
| Duckett | McAlister |
| Dwyer | McCann |
| Ellis | McDonald |
| Evans | McGlasson |
| Favors | McLellan |
| Ferguson | McMurry |
| Files | McNamara |
| Fitzgerald | Manford |
| Fuchs | Markle |

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| Martin | Senterfitt |
| Matthews | Sharpe |
| Mills | Shell |
| Montgomery | Simpson |
| Moore | Skiles |
| Morgan | Smith of Bastrop |
| Morris | Smith of Atascosa |
| Morse | Spacek |
| Murray | Spangler |
| Nicholson | Stanford |
| Pace | Stinson |
| Parker | Stubbs |
| Pevehouse | Thornton |
| Phillips | Turner |
| Price | Vale |
| Rampy | Voigt |
| Reed of Bowie | Walters |
| Reed of Dallas | Wattner |
| Ridgeway | Weatherford |
| Rhodes | White |
| Roark | Whitesides |
| Roberts | Winfree |
| Sallas | |

Absent—Excused

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| Allen | Manning |
| Eubank | Taylor |
| Garland | |

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, surely Thou hast led us hitherto, and we feel that our State and our land have have been specially blest of Thee. Thou knowest our desire to leave worthy records when the time of our service shall have expired. Help each and all of us to measure up to Thy reasonable expectations concerning us. For Christ's sake. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Garland for today on motion of Mr. Huddleston.

Mr. Manning for today on motion of Mr. Alsup.

Mr. Eubank for today on motion of Mr. Bullock.

Mr. Taylor for today, on account of military service, on motion of Mr. McAlister.

The following Member was granted leave of absence:

Mr. Allen for today, on account of illness in family, on motion of Mr. Markle.

COMMUNICATION

The Speaker laid before the House and had read the following communications:

Austin, Texas, April 14, 1941.

To the Members of the 47th Legislature:

I want to thank each and every Member of this Legislature for the kind words of sympathy and respect shown my family in our recent bereavement caused by the death of my father-in-law, Mr. Oliver J. Haines. The resolution which you passed on April 10 was appreciated more than I can find words to express. Mr. Haines was a fine, upright, honorable man, a real father to me, and a worthy citizen of Texas. Your passing this resolution in his behalf is a source of consolation to me and my wife.

TOM W. DEEN,
MRS. TOM W. DEEN.

HOUSE BILLS ON FIRST READING

The following House Bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Lansberry:

H. B. No. 903, A bill to be entitled "An Act prescribing the manner of taking fish in Marshall Ford Lake in Burnet County and the Colorado River to the headwaters of Marble Falls Lake in Burnet County; prescribing a penalty for a violation of this Act; repealing all laws in conflict with this Act; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Alsup:

H. B. No. 904, A bill to be entitled "An Act making an appropriation of the sum of Three Hundred Thousand

(\$300,000) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expense, and to pay the mileage and per diem of members and the per diem of officers and employees of the Regular Session of the Forty-seventh Legislature; and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Rhodes:

H. B. No. 905, A bill to be entitled "An Act fixing the compensation of sheriffs in all counties of the State of Texas having a population of not less than twenty-five thousand, five hundred and forty (25,540) and not more than twenty-six thousand and fifty (26,050), according to the last Federal Census, in which there are no district attorneys; providing for the appointment by such sheriffs of such counties of at least one (1) special deputy sheriff and one (1) deputy sheriff; prescribing the powers and duties of such deputies; fixing the compensation therefor; providing mode and manner of payment of such salaries; providing that this Act shall be cumulative of all other acts not in conflict herewith; repealing all laws and parts of laws in conflict to the extent of the conflict only; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Bell:

H. B. No. 906, A bill to be entitled "An Act fixing a five year closed season on quail in De Witt County and providing certain penalties for violations."

Referred to the Committee on Game and Fisheries.

Mr. White asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 907.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. White:

H. B. No. 907, A bill to be entitled "An Act to amend Section 2 of House Bill No. 160, Acts of the First Called Session of the Forty-first Legislature, Chapter 83, page 209, by authorizing any city or county to issue its general obligation bonds or warrants for the purpose of acquiring and improving land for airport purposes; providing that the authority given for the issuance of such bonds and the levy or collection of taxes in payment thereof shall be exercised in accordance with the provisions of Chapter 1, Title 22, Revised Civil Statutes, 1925; providing that no election shall be necessary to authorize the issuance of such warrants but the city or county shall comply with the provisions of Chapter 163, Acts of the Regular Session of the Forty-second Legislature, with reference to notice of intention to issue such warrants, and the levy of taxes in payment thereof, and the right to referendum election therein specified shall apply; providing that this Act shall not repeal any existing law; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

ADDITIONAL SIGNER OF HOUSE BILL

By unanimous consent of the House, the following Member was authorized to sign bill as coauthor of same, as follows:

Mr. Hoyo: House Bill No. 552.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 398

Mr. Cleveland submitted the following Conference Committee report on Senate Bill No. 398:

Austin, Texas, April 9, 1941.

Hon. Coke R. Stevenson, President of the Senate;

Hon. Homer Leonard, Speaker of the House of Representatives.

Sirs: Your free Conference Committee appointed to adjust the dif-

ferences between the Senate and the House on Senate Bill No. 398, have had same under consideration and have adjusted the differences and recommend the passage of the attached bill.

MOFFETT,
FORMBY,
HAZLEWOOD,
MARTIN,

On the part of the Senate.

CLEVELAND,
TURNER,
GILMER,
BUNDY,
LITTLE,

On the part of the House.

By Senator Moffett:

S. B. No. 398,

A BILL

To Be Entitled

An Act to amend House Bill No. 160, Acts of the 41st Legislature, First Called Session, Chapter 83, page 209, as amended by House Bill No. 216, Acts of the 47th Legislature, so as to provide that Cities and Counties may acquire land for airport purposes without limitation on size; that Cities and Counties may acquire such land within their respective counties by gift, purchase, or condemnation; that Cities and Counties may lease land, thus acquired, to each other; that Cities may acquire such land outside their respective Counties by gift or purchase; and providing certain restrictions concerning such gift or purchase; that Cities may acquire such land outside their respective Counties by condemnation proceedings, under certain conditions and within certain limitations; that Cities and Counties may maintain and operate such land for airport purposes, or may sell or lease such land to the Federal Government; providing that in addition to other powers, Cities may sell, convey, or lease said airports, or portions thereof to the Federal Government for certain purposes, to the State Government or its branches for certain purposes, to any person, firm, or corporation for certain purposes; providing that cities shall provide rules for the operation of airports under certain con-

ditions; providing that if any section or sections, clause, sentence, or provision of this Act shall be invalid or unconstitutional, that it shall not affect the remaining part; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That Section 1 of House Bill No. 160, Acts of the 41st Legislature, First Called Session, Chapter 83, page 209, as amended by House Bill No. 216, Acts of the 47th Legislature, Regular Session, be and the same is hereby amended so as to hereafter read as follows:

"Section 1. A. That the governing body of any incorporated City in this State may receive through gift or dedication, and is hereby empowered to acquire, by purchase without condemnation or by purchase through condemnation proceedings, and thereafter maintain and operate as an airport, or lease, or sell, to the Federal Government, tracts of land either within or without the corporate limits of such City and within the County in which such City is situated, and the Commissioners' Court of any County may likewise acquire, maintain and operate for like purpose tracts of land within the limits of the County..

"B. That the governing body of any incorporated City in this State may receive through gift or dedication, and is hereby empowered to acquire by purchase without condemnation, and thereafter maintain and operate as an airport, or lease, or sell to the Federal Government, tracts of land without the County in which such City is situated, provided said tracts are not within five (5) miles of another incorporated City that has a population of more than Fifteen Hundred (1500) people, according to the last preceding Federal Census.

"C. That the governing body of any incorporated City in this State may, and is hereby empowered, to acquire through condemnation proceedings, tracts of land located without the county in which said city is located, provided said tracts of land are within six (6) miles of the county boundary of the county in which said city is located, and are not within five (5) miles of another incor-

porated city having a population in excess of Fifteen Hundred (1500) people, according to the last preceding Federal Census; and that said city may thereafter maintain and operate as an airport, or lease, or sell said tracts to the Federal Government; provided, however, that the grant herein made to acquire land through condemnation proceedings, without the county in which said city is located, shall expire on December 31, 1942, but that tracts of land acquired prior to that date, and under the authority of this Act, may continue to be operated, leased, or sold, as provided in this Act.

"D. In addition to the power herein granted, the Commissioners' Courts of the several counties of this State are hereby authorized to lease any airport that may be acquired by the County, as herein provided, to any incorporated City or municipality within such County, or to the Federal Government, for the purpose of maintaining and operating an airport; and provided further that any incorporated City having acquired land for an airport, or an airport under the authority of this Act, shall have the right to lease said land or said airport to the county in which said incorporated City is located.

"E. In addition to the power which it may now have, the governing body of an incorporated City shall have the power to sell, convey, or lease, all or any portions of any airports heretofore established or that may be hereafter established, or any land acquired under the provisions of this Act, to the United States of America for any purpose deemed by the Government of the United States necessary for National Defense, or for Air Mail purposes, or any other public purpose, or to the State of Texas, or any branch of the State Government, or to any other person, firm, or corporation, to carry out any purpose necessary or incidental to National Defense or training incidental thereto; and that such governing body shall provide rules and regulations for the proper use of any such airports in connection with the purpose stated herein."

Sec. 2. If any section or sections, clause, sentence or provision of this Act should, for any reason, be held to be invalid or unconstitutional, it

shall not affect in anywise the remaining parts of this Act, not so held, and all that portion not held invalid shall remain in full force and effect.

Sec. 3. The fact that the present law restricts a City in acquiring lands for airport sites, to lands in the County in which such City is located, and the fact that many cities lie close to the boundaries of the County within which they are located, and in many instances the most valuable land for use for airport sites lies partly without, or wholly without the County in which such City is located, and the fact that in many instances Cities would not be able to acquire suitable land for airports within the limits of the County in which such Cities are located, the further fact that such Cities need to acquire the most practical and suitable lands for such purposes in furtherance of the Emergency National Defense Program, and the further fact that it has been found necessary to provide a method by which the Commissioners' Courts of the several Counties and Cities situated therein may cooperate in order to obtain the benefits contemplated hereunder, creates an emergency and imperative public necessity requiring that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Gilmer the report was adopted by the following vote:

Yeas—129

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| Allison | Burkett |
| Alsup | Burnaman |
| Anderson | Carlton |
| Avant | Carrington |
| Bailey | Cato |
| Bean | Celaya |
| Bell | Chambers |
| Benton | Clark |
| Blankenship | Cleveland |
| Boone | Coker |
| Brawner | Colson, Mrs. |
| Bray | Craig |
| Bridgers | Crossley |
| Brown | Crosthwait |
| Bruhl | Daniel |
| Bundy | Davis |

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| Deen | Lyle |
| Dickson of Bexar | McAlister |
| Dickson of Nolan | McCann |
| Donald | McLellan |
| Duckett | McMurry |
| Dwyer | McNamara |
| Ellis | Manford |
| Evans | Markle |
| Favors | Martin |
| Ferguson | Matthews |
| Files | Mills |
| Fitzgerald | Montgomery |
| Fuchs | Moore |
| Gandy | Morgan |
| Gilmer | Morris |
| Goodman | Morse |
| Halsey | Murray |
| Hardeman | Pace |
| Hargis | Parker |
| Harris of Dallas | Pevehouse |
| Hartzog | Phillips |
| Heflin | Price |
| Helpinstill | Rampy |
| Henderson | Reed of Bowie |
| Hileman | Reed of Dallas |
| Hobbs | Ridgeway |
| Howard | Rhodes |
| Howington | Roark |
| Hoyo | Roberts |
| Huffman | Sallas |
| Hughes | Senterfitt |
| Humphrey | Shell |
| Hutchinson | Simpson |
| Isaacks | Skiles |
| Jones | Smith of Bastrop |
| Kelly | Smith of Atascosa |
| Kennedy | Spangler |
| Kersey | Stinson |
| King | Thornton |
| Klingeman | Turner |
| Knight | Vale |
| Lansberry | Voigt |
| Lehman | Walters |
| Leyendecker | Wattner |
| Little | Weatherford |
| Lock | White |
| Love | Whitesides |
| Lowry | Winfree |
| Lucas | |

Absent

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| Baker | Kinard |
| Bullock | McDonald |
| Connelly | Nicholson |
| Dove | Sharpe |
| Hanna | Spacek |
| Harris of Hill | Stanford |
| Huddleston | Stubbs |

Absent—Excused

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| Allen | Garland |
| Eubank | McGlasson |

Manning

Taylor

HOUSE BILL NO. 20 WITH SENATE
AMENDMENTS

Mr. Kersey called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 20, A bill to be entitled "An Act providing for licensing of operators, commercial operators and chauffeurs, defining certain terms; providing for certain exemptions; prohibiting issuance of licenses to certain persons; making it unlawful for certain persons to operate a school bus or any motor vehicle while in use as a public or common carrier of persons; providing for application for operators', commercial operators' and chauffeurs' licenses; providing for signing of application of minors and cancellation of minors' license upon application, and/or death of signatory; providing for examinations of applicants for operators', commercial operators' and chauffeurs' licenses; providing for the issuance of operators', commercial operators' and chauffeurs' licenses, and duplicates thereof; etc., and declaring an emergency."

On motion of Mr. Kersey the House concurred in the Senate amendments by the following vote:

Yeas—130

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| Allison | Connelly |
| Alsup | Craig |
| Anderson | Crossley |
| Avant | Crosthwait |
| Bailey | Daniel |
| Baker | Deen |
| Bean | Dickson of Bexar |
| Bell | Dickson of Nolan |
| Blankenship | Donald |
| Boone | Duckett |
| Brawner | Dwyer |
| Brown | Evans |
| Bruhl | Favors |
| Bullock | Ferguson |
| Burkett | Files |
| Burnaman | Fitzgerald |
| Carlton | Fuchs |
| Carrington | Gandy |
| Cato | Gilmer |
| Celaya | Goodman |
| Clark | Halsey |
| Cleveland | Hanna |
| Coker | Hardeman |
| Colson, Mrs. | Hargis |

Harris of Dallas

Harris of Hill

Hartzog

Heflin

Helpinstill

Henderson

Hileman

Hobbs

Howard

Howington

Hoyo

Huddleston

Huffman

Hughes

Humphrey

Hutchinson

Isaacks

Jones

Kelly

Kennedy

Kersey

Kinard

King

Klingeman

Knight

Lansberry

Lehman

Leyendecker

Little

Lock

Love

Lowry

Lucas

Lyle

McAlister

McCann

McGlasson

McLellan

McMurry

Manford

Markle

Matthews

Mills

Moore

Morgan

Morris

Morse

Murray

Nicholson

Pace

Parker

Pevehouse

Phillips

Price

Reed of Bowie

Reed of Dallas

Ridgeway

Rhodes

Roark

Roberts

Sallas

Senterfitt

Sharpe

Shell

Simpson

Skiles

Smith of Bastrop

Smith of Atascosa

Spacek

Spangler

Stanford

Stinson

Stubbs

Turner

Vale

Voigt

Walters

Wattner

Weatherford

White

Whitesides

Winfree

Nays—2

Bray Ellis

Absent

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| Benton | McDonald |
| Bridgers | McNamara |
| Bundy | Martin |
| Chambers | Montgomery |
| Davis | Rampy |
| Dove | Thornton |

Absent—Excused

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| Allen | Manning |
| Eubank | Taylor |
| Garland | |

Mr. Harris of Dallas moved to reconsider the vote by which the House concurred in the Senate amendments, and to table the motion to reconsider.

The motion to table prevailed.

RELATIVE TO HOUSE BILL NO. 20

Mr. Alsup moved that the Committee on Contingent Expenses be instructed to furnish to the Members of the House such copies of House Bill No. 20 as are needed.

The motion prevailed.

HOUSE BILL NO. 825 ON
SECOND READING

On motion of Mr. Davis, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment, House Bill No. 825.

The Speaker then laid before the House, on its second reading and pasage to engrossment,

H. B. No. 825, A bill to be entitled "An Act to amend Section 4 of Article 2 of Chapter 495, Acts 1936, 44th Legislature, 3rd Called Session, as amended by Section 2 of Senate Bill No. 9, Acts 1939, 46th Legislature, Regular Session, page 541, to provide that the ability of a child or children to support an applicant or recipient of old age assistance shall not be considered as a fact or circumstance in determining the eligibility of an applicant for old age assistance, and shall not be inquired into, and to provide that the possession by an applicant of cash on hand in the sum of \$360.00, or less, shall not be considered as an asset and an applicant having \$360.00, or less, cash on hand, shall be eligible for old age assistance; and declaring an emergency."

The bill was read second time.

Mr. Harris of Hill offered the following amendment to the bill:

Amend House Bill No. 825, page 1, section 4, lines 30 and 31 by striking out the words "earning capacity" and insert in lieu thereof the words "personal earnings and income."

The amendment was adopted.

Mr. Reed of Bowie offered the following amendment to the bill:

Amend House Bill No. 825 by striking out all below the enacting clause and inserting in lieu thereof the following:

Article 1

Section 1. It is hereby declared to be the intention and the purpose of the Legislature by and through the enactment of this Act to provide for the paying of old age pensions to those who are eligible under the provisions of this Act and who make application for the same.

Sec. 1a. It is the policy of the Legislature that pensions provided herein shall be paid equally and uniformly; and further, that the ability of relatives to contribute shall not be considered in passing on the elgiibility of an applicant.

Article 2

Section 1. Subject to the provisions of this Act, persons over the age of sixty-five (65) years and eligible under the provisions of this Act, who make application for assistance are entitled to financial aid from the State of Texas.

Sec. 2. In addition to the duties now imposed by the law, the State Department of Welfare is hereby charged with the duty of administering this Act, and, for the purpose of administering the provisions of this Act, the State Department of Welfare shall be known as and shall constitute the Texas Old Age Pension Commission. Whenever the word "Commission" is used in this Act, it shall mean the Texas Old Age Pension Commission who shall be the State Department of Welfare.

Sec. 3. The Commission shall grant financial aid to any person who makes application provided such person

(a) Has attained the age of sixty-five years;

(b) Is a citizen of the United States;

(c) Has resided in the State of Texas for five (5) years or more within the last nine (9) years preceding the date of this application for assistance, and has resided in the State of Texas continuously for one (1) year immediately preceding the application. The terms "residence," "residing," and "resided" as used in this Act shall denote actual physical presence within this State as distinguished from the word "dom-

icile" and the word "residence" as used in the broader meaning;

(d) Is not at the time of receiving such aid and inmate of any public or private home for the aged, or any public or private institution of a custodial, correctional, or curative character, provided, however, that aid may be granted to persons temporarily confined in private institutions for medical or surgical care;

(e) Has not made a voluntary assignment or transfer of property for the purpose of qualifying for such aid;

(f) Is not a habitual criminal or a habitual drunkard;

(g) Is otherwise eligible under the provisions of this Act.

Sec. 4. (a) On the effective date of this Act, the State Department of Welfare, acting as the Texas Old Age Pension Commission, shall select and appoint an Executive Director of the Texas Old Age Pension Office, who shall be not less than thirty-five (35) years of age at the date of his appointment, who is a resident citizen of the State of Texas and who shall have resided within the State for at least ten (10) years preceding the date of his appointment, who shall not be an occupant of any elective State office at the time of his appointment nor have occupied any elective State office during the six (6) months next preceding the date of his said appointment, and who shall be paid an annual salary of Three Thousand Six Hundred (\$3,600.00) Dollars in equal monthly installments. The said Old Age Pension Commission shall also appoint a Chief Auditor who shall be paid an annual salary of Three Thousand (\$3,000.00) Dollars in equal monthly installments. The Executive Director and the Chief Auditor shall make and execute a bond in form prescribed by the Attorney General, payable to the Governor of Texas, in the sum of Thirty Thousand (\$30,000.00) Dollars conditioned upon their faithful performance of the duties imposed upon them by law. The premium on such bonds shall be paid out of the funds herein appropriated for operating expenses and any recovery on such

bonds shall inure to the benefits of the Old Age Pension Fund.

(b) The Executive Director, under the direction of the Old Age Pension Commission shall be the chief administrative officer of said office, and as such shall be responsible for the proper and economical administration of the affairs of such office. He shall have the power and authority, with the consent and approval of the State Pension Commission to select, appoint and discharge such assistants, clerks, stenographers, auditors, bookkeepers and clerical assistants as may be necessary in the administration of the duties imposed upon such office within the limits of the appropriations that may be made for the work of said office; salaries of all such employees shall be fixed by the Commission in keeping with salaries paid other State employees performing similar work and holding similar positions. The Commission is authorized to require bond or bonds from any and all of its employees in such amounts as it may designate, and in such form as may be prescribed by the Attorney General whenever in its discretion such bonds may be deemed necessary and advisable, and the premiums on such bond or bonds shall be paid out of the Texas Old Age Pension Fund.

(c) The Commission shall provide for the holding of hearings in all appeals by applicants for aid or assistance where such aid or assistance has been denied by the local administrative agency to which application was made; provided that such hearings may be conducted by the Commission or by any employee designated by the Commission to hold the same. When such hearings are conducted by either the Commission or by any employee, a transcript of all testimony taken shall be prepared and filed with the Commission and any order therein must be signed by the Commission.

(d) The Commission shall provide for such methods of administration (other than those relating to selection, tenure of office and compensation of personnel) as are found by the United States Social Security Board to be necessary for the efficient operation of the plan

of Old Age Pensions herein established.

(e) The Commission shall make such reports in such form and containing such information as the Social Security Board may from time to time require, and comply with such provisions as said Social Security Board may from time to time find necessary to assure the correctness and verification of such reports.

Sec. 5. The expenses of administering this Act shall never exceed two (2%) per cent of the total amount expended for Old Age Pensions; provided, however, that the Commission is empowered to accept any funds appropriated and allocated to the State of Texas for administrative expense by the Federal Government or the Social Security Board, and same may be expended for administrative purposes in addition to that allowed for administrative purposes out of State funds expended.

Sec. 6. The amount of old age pensions or aid from State funds that may be made to any applicant, who has qualified under the provisions of the Act, shall never exceed Fifteen (\$15.00) Dollars per month, and in addition thereto such funds as the Federal Government may appropriate and allocate to the State of Texas from time to time, shall be distributed among the recipients of pensions as the Federal Government may direct and paid under the terms of this Act, provided, that in no case shall such aid or pensions be in an amount which when added together shall exceed Thirty (\$30.00) Dollars per month and provided further, that in no case shall such aid or pensions be granted when the applicant has a net income, if a single person, from any and all sources not exceeding Three Hundred Sixty (\$360.00) Dollars per year, or if married, a combined net income from money and all sources not exceeding Seven Hundred Twenty (\$720.00) Dollars per year.

(a) Does not own property real, personal, or mixed other than cash or marketable securities, the fair value of which taking into consideration assessed valuations for State and county tax purposes less all in-

cumbrances and liens, exceeds, if single, Five Thousand Dollars (\$5,000) or if married, does not own property real, personal, or mixed other than cash or marketable securities, the fair value of which taking into consideration assessed valuations for State and county tax purposes less all incumbrances and liens, exceeds Seven Thousand Five Hundred Dollars (\$7,500.00);

(b) Does not have or own cash or marketable securities, the fair value of which exceeds Five Hundred Dollars (\$500.00) if single, or if married, does not have or own cash or marketable securities, the fair value of which exceeds One Thousand Dollars (\$1,000.00). There shall be two classes of grants, viz.: Class A and Class B. The Commission shall determine the amount of each class of grants by the available and anticipated revenues for assistance for the fiscal year and each grant in the designated class shall be in equal amounts, that is, each grant in Class A shall be in an equal amount and each grant in Class B shall be of an equal amount. Each applicant shall receive the grant applicable to his circumstances based on income, health, or any other circumstances pertinent to the applicant's condition. The Commissioner shall prepare and furnish application blanks to the applicant, who shall make all statements thereon under oath.

Sec. 7. (a) In all counties, the local agency shall be the County Judge with the assistance of the Commissioners' Court of each county.

(b) The application shall be on forms prescribed by the Commission, shall be duly sworn to before the County Judge in counties, and when the truth of the statements have been investigated and established to the satisfaction of the county judge of such county, the application shall be signed by the County Judge and the Commissioners' Court of each county, and the application shall be forwarded to the Commission. The local agency in each county shall recommend to the Commission the class of grant to be paid each applicant, which the Commission shall take into consideration in approving such grant. The applications that have been under House

Bill No. 8, Acts Forty-fourth Legislature, Second Called Session, and the Senate Bill No. 9, Forty-sixth Legislature, Regular Session, shall not be required to be remade, and the Commission shall designate the class of grant each applicant shall receive from the records of the application filed with the Commission; however, if the records are not complete or sufficient to indicate to the Commission the proper grant to allow to each applicant, the application shall be returned to the local agency for further investigation and recommendation.

Sec. 8. For the purpose of paying the aid and pensions to aged citizens of Texas herein provided for, and for the purpose of defraying the expenses of administering this Act, there is hereby created and established a special fund in the Treasury of the State of Texas, to be kept by the State Treasury separate and apart from all other funds, and to be known as the "Texas Old Age Pension Fund," and for the purposes above set out there is hereby appropriated out of such funds all amounts received and credited to said fund, or so much thereof as may be necessary, for the fiscal year ending August 31, 1943. Providing that if the fund is insufficient to pay all grants in full, the same shall be paid pro rata based in the amount granted to each applicant.

Sec. 9. (a) Whenever it is found, by investigation of the local administrative agency, or otherwise, that assistance has been granted to any person who is not eligible therefor, the Executive Director shall immediately order such assistance terminated and shall furnish a copy of such order to the applicant and a copy to the local administrative agency, and from such order the applicant shall have the right to appeal to the Commission and when assistance to any person has been terminated, no further payments shall be made to such person until the Commission shall have determined on appeal that such payments be resumed.

(b) The provisions of this Act providing for old age pensions shall not be construed as a vested right in the recipient of old age assistance.

(c) An old age pension grant shall be absolutely inalienable by any assignment, power of attorney, sale, charge, or execution or other legal process, and in case of bankruptcy the assistance shall not pass through any trustee or other person acting on behalf of creditors.

(d) The Commission is authorized to accept on behalf of the Old Age Pension Fund any gifts, deeds or bequests of any money or other property, the proceeds of which shall accrue to the benefit of the Old Age Pension Fund. In making such gifts or contributions the donor shall attach no conditions whatever. The sole management and disposition of the property so received shall be in the Commission.

Sec. 10. All old age assistance benefits provided for under the terms of this Act shall be paid by vouchers or warrants drawn by the State Comptroller on the Texas Old Age Pension Fund; for the purpose of permitting the State Comptroller properly to draw and issue such vouchers or warrants, the Texas Old Age Pension Commission shall furnish the Comptroller with a list or roll of those entitled to assistance from time to time together with the amount to which each recipient is entitled. When such vouchers or warrants have been drawn, they shall be delivered to the Executive Director of the Texas Old Age Pension Office, who in turn shall supervise the delivery of the same to the persons entitled thereto.

Sec. 11. All grants of assistance or aid from the Federal Government and its agencies shall not be considered as a part of the State assistance herein granted, but shall be regarded as a separate grant of assistance or aid.

Sec. 12. Every assistance granted under the provisions of this Act shall be deemed to be granted and shall be held subject to the provisions of any amending or repealing Act that may be hereafter enacted, and no recipient under this Act shall have any claim for compensation or otherwise by reason of his assistance being affected in any way by such amending or repealing Act.

Sec. 13. Whenever in this Act the masculine pronoun is used, it

shall be held to include the feminine pronoun also.

Sec. 14. If any recipient under this Act is convicted of any crime, misdemeanor or felony, or other offenses, punishable by imprisonment for a period of six (6) months or longer, such fact shall be reported to the Old Age Pension Commission and the said Commission may direct that payments to such recipient be defaulted and withheld for such period.

Sec. 15. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 16. If any section, subsection, paragraph, clause or sentence in this Act is declared to be unconstitutional, the same shall not affect the remaining portions of this Act.

Sec. 17. The fact that the present old age pension law does not provide pensions for many of the aged people of this State who do not have an adequate income for support, creates an emergency and an imperative public necessity that the Constitutional Rule requiring all bills to be read on three several days be suspended, and such Rule is suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Alsup raised a point of order on further consideration of the amendment by Mr. Reed of Bowie at this time, on the ground that the amendment changes the original purpose of the bill and is therefore not germane.

The Speaker sustained the point of order.

Mr. Daniel offered the following amendment to the bill:

Amend House Bill No. 825 by adding the following words between the words "applicant" and "shall" in line 32:

"or the actual support of or contributions to such applicant by such relatives"

The amendment was adopted.

Mr. Reed of Bowie offered the following amendment to the bill:

Amend House Bill No. 825 by add-

ing the following new subsection, to be known as Section 1A:

"The amount of old age assistance or aid from State funds that may be made to any applicant, who has qualified under the provisions of the Act, shall never exceed Fifteen (\$15.00) Dollars per month, and in addition thereto such funds as the Federal Government may appropriate and allocate to the State of Texas from time to time, shall be distributed among the recipients of old age assistance as the Federal Government may direct and paid under the terms of this Act, provided, that in no case shall such aid or old age assistance be in an amount which when added together shall exceed Thirty (\$30.00) Dollars per month and provided further, that in no case shall such aid or old age assistance be granted when the applicant has a net income, if a single person; from any and all sources not exceeding Three Hundred Sixty (\$360.00) Dollars per year, or if married, a combined net income from money and all sources not exceeding Seven Hundred Twenty (\$720.00) Dollars per year.

(a) Does not own property real, personal, or mixed other than cash or marketable securities, the fair value of which taking into consideration assessed valuations for State and county tax purposes less all incumbrances and liens, exceeds, if single, Five Thousand Dollars (\$5,000) or if married, does not own property real, personal, or mixed other than cash or marketable securities, the fair value of which taking into consideration assessed valuations for State and county tax purposes less all incumbrances and liens, exceeds Seven Thousand Five Hundred Dollars (\$7,500.00);

(b) Does not have or own cash or marketable securities, the fair value of which exceeds Five Hundred Dollars (\$500.00) if single, or if married, does not have or own cash or marketable securities, the fair value of which exceeds One Thousand Dollars (\$1,000.00). There shall be two classes of grants, viz.: Class A and Class B. The Department of Public Welfare shall determine the amount of each class of grants by the available and antici-

pated revenues for assistance for the fiscal year and each grant in the designated class shall be in equal amounts, that is, each grant in Class A shall be in an equal amount and each grant in Class B shall be of an equal amount. Each applicant shall receive the grant applicable to his circumstances based on income, health, or any other circumstances pertinent to the applicant's condition. The Department of Public Welfare shall prepare and furnish application blanks to the applicant, who shall make all statements thereon under oath."

REED of Bowie,
LUCAS.

Mr. McNamara raised a point of order on further consideration of the amendment at this time, on the ground that the amendment is not germane to the bill.

The Speaker overruled the point of order.

Mr. Simpson moved to table the amendment by Mr. Reed of Bowie.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—88

| | |
|--------------|------------------|
| Allison | Dickson of Bexar |
| Alsup | Dove |
| Avant | Ferguson |
| Blankenship | Files |
| Boone | Fuchs |
| Brawner | Gilmer |
| Bray | Goodman |
| Bridgers | Halsey |
| Brown | Hanna |
| Bruhl | Hardeman |
| Bullock | Hargis |
| Bundy | Harris of Hill |
| Burkett | Heflin |
| Carlton | Helpinstill |
| Carrington | Henderson |
| Cato | Hileman |
| Clark | Hoyo |
| Cleveland | Huffman |
| Coker | Hughes |
| Colson, Mrs. | Humphrey |
| Craig | Hutchinson |
| Crosthwait | Isaacks |
| Davis | Jones |
| Deen | Kelly |

Kersey
Kinard
Klingeman
Lansberry
Leyendecker
Little
Lock
Lyle
McAlister
McCann
McGlasson
McMurry
McNamara
Markle
Martin
Mills
Montgomery
Morgan
Morris
Morse

Nicholson
Price
Ridgeway
Rhodes
Roark
Sallas
Senterfitt
Sharpe
Simpson
Skiles
Spacek
Spangler
Stanford
Stinson
Stubbs
Thornton
Vale
Wattner
Weatherford

Nays—45

| | |
|------------------|------------------|
| Anderson | King |
| Bailey | Knight |
| Baker | Lehman |
| Benton | Love |
| Burnaman | Lucas |
| Chambers | McLellan |
| Connelly | Matthews |
| Crossley | Moore |
| Daniel | Pace |
| Dickson of Nolan | Parker |
| Donald | Rampy |
| Duckett | Reed of Bowie |
| Dwyer | Reed of Dallas |
| Ellis | Roberts |
| Evans | Shell |
| Favors | Smith of Bastrop |
| Fitzgerald | Turner |
| Gandy | Voigt |
| Harris of Dallas | Walters |
| Hobbs | White |
| Howington | Whitesides |
| Huddleston | Winfree |
| Kennedy | |

Absent

| | |
|---------|-------------------|
| Bean | McDonald |
| Bell | Manford |
| Celaya | Murray |
| Hartzog | Pevehouse |
| Howard | Phillips |
| Lowry | Smith of Atascosa |

Absent—Excused

| | |
|---------|---------|
| Allen | Manning |
| Eubank | Taylor |
| Garland | |

By unanimous consent of the House, the caption of the bill was

ordered amended to conform to all changes and with the body of the bill.

House Bill No. 825 was then passed to engrossment.

HOUSE BILL NO. 825 ON THIRD READING

Mr. McNamara moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that House Bill No. 825 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—137

| | |
|------------------|------------------|
| Allison | Ferguson |
| Alsup | Files |
| Anderson | Fitzgerald |
| Avant | Fuchs |
| Bailey | Gandy |
| Baker | Gilmer |
| Bean | Goodman |
| Benton | Halsey |
| Blankenship | Hanna |
| Boone | Hardeman |
| Brawner | Hargis |
| Bray | Harris of Dallas |
| Bridgers | Harris of Hill |
| Brown | Heflin |
| Bruhl | Helpinstill |
| Bullock | Henderson |
| Bundy | Hileman |
| Burkett | Hobbs |
| Burnaman | Howard |
| Carlton | Howington |
| Carrington | Hoyo |
| Cato | Huddleston |
| Chambers | Huffman |
| Clark | Hughes |
| Cleveland | Humphrey |
| Coker | Hutchinson |
| Colson, Mrs. | Isaacks |
| Connelly | Jones |
| Craig | Kelly |
| Crossley | Kennedy |
| Crosthwait | Kersey |
| Daniel | Kinard |
| Davis | King |
| Deen | Klingeman |
| Dickson of Bexar | Knight |
| Dickson of Nolan | Lansberry |
| Donald | Lehman |
| Dove | Leyendecker |
| Duckett | Little |
| Ellis | Lock |
| Evans | Love |
| Favors | Lowry |

| | |
|----------------|-------------------|
| Lucas | Rhodes |
| Lyle | Roark |
| McAlister | Roberts |
| McCann | Sallas |
| McGlasson | Senterfitt |
| McLellan | Sharpe |
| McMurry | Shell |
| McNamara | Simpson |
| Manford | Skiles |
| Markle | Smith of Bastrop |
| Martin | Smith of Atascosa |
| Matthews | Spacek |
| Mills | Spangler |
| Montgomery | Stanford |
| Moore | Stinson |
| Morgan | Stubbs |
| Morris | Thornton |
| Morse | Turner |
| Nicholson | Vale |
| Pace | Voigt |
| Parker | Walters |
| Phillips | Wattner |
| Price | Weatherford |
| Rampy | White |
| Reed of Bowie | Whitesides |
| Reed of Dallas | Winfree |
| Ridgeway | |

Absent

| | |
|---------|-----------|
| Bell | McDonald |
| Celaya | Murray |
| Dwyer | Pevehouse |
| Hartzog | |

Absent—Excused

| | |
|---------|---------|
| Allen | Manning |
| Eubank | Taylor |
| Garland | |

The Speaker then laid House Bill No. 825 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—140

| | |
|-------------|--------------|
| Allison | Bruhl |
| Alsup | Bullock |
| Anderson | Bundy |
| Avant | Burkett |
| Bailey | Burnaman |
| Baker | Carlton |
| Bean | Carrington |
| Bell | Cato |
| Benton | Chambers |
| Blankenship | Clark |
| Boone | Cleveland |
| Brawner | Coker |
| Bray | Colson, Mrs. |
| Bridgers | Connelly |
| Brown | Craig |

| | |
|------------------|-------------------|
| Crossley | Lowry |
| Crosthwait | Lucas |
| Daniel | Lyle |
| Davis | McAlister |
| Deen | McCann |
| Dickson of Bexar | McDonald |
| Dickson of Nolan | McGlasson |
| Donald | McLellan |
| Dove | McMurry |
| Duckett | McNamara |
| Dwyer | Manford |
| Ellis | Martin |
| Evans | Matthews |
| Favors | Mills |
| Ferguson | Montgomery |
| Files | Moore |
| Fitzgerald | Morgan |
| Fuchs | Morris |
| Gandy | Morse |
| Gilmer | Murray |
| Goodman | Nicholson |
| Halsey | Pace |
| Hanna | Parker |
| Hardeman | Pevehouse |
| Hargis | Phillips |
| Harris of Dallas | Price |
| Harris of Hill | Rampy |
| Heflin | Reed of Bowie |
| Helpinstill | Reed of Dallas |
| Henderson | Ridgeway |
| Hileman | Rhodes |
| Hobbs | Roark |
| Howard | Roberts |
| Howington | Sallas |
| Hoyo | Senterfitt |
| Huddleston | Sharpe |
| Huffman | Shell |
| Hughes | Simpson |
| Humphrey | Skiles |
| Hutchinson | Smith of Bastrop |
| Isaacks | Smith of Atascosa |
| Jones | Spacek |
| Kelly | Spangler |
| Kennedy | Stanford |
| Kersey | Stinson |
| Kinard | Thornton |
| King | Turner |
| Klingeman | Vale |
| Knight | Voigt |
| Lansberry | Walters |
| Lehman | Wattner |
| Leyendecker | Weatherford |
| Little | White |
| Lock | Whitesides |
| Love | Winfree |

Nay—1

Markle

Absent

Celaya
Hartzog

Stubbs

Absent—Excused

| | |
|---------|---------|
| Allen | Manning |
| Eubank | Taylor |
| Garland | |

Mr. McNamara moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 904 ON SECOND READING

Mr. Alsup moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that House Bill No. 904 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—127

| | |
|------------------|------------------|
| Allison | Ellis |
| Alsup | Evans |
| Anderson | Ferguson |
| Avant | Files |
| Bailey | Fuchs |
| Baker | Gandy |
| Bean | Gilmer |
| Bell | Goodman |
| Benton | Hanna |
| Blankenship | Hardeman |
| Boone | Hargis |
| Brawner | Harris of Dallas |
| Bray | Harris of Hill |
| Bridgers | Heflin |
| Brown | Helpinstill |
| Bruhl | Henderson |
| Bullock | Hileman |
| Bundy | Hobbs |
| Burkett | Howard |
| Burnaman | Howington |
| Carlton | Hoyo |
| Carrington | Huddleston |
| Clark | Huffman |
| Cleveland | Hughes |
| Coker | Humphrey |
| Connelly | Hutchinson |
| Crossley | Isaacks |
| Crosthwait | Jones |
| Daniel | Kennedy |
| Davis | Kersey |
| Deen | Kinard |
| Dickson of Bexar | King |
| Dickson of Nolan | Knight |
| Dove | Lansberry |
| Duckett | Lehman |
| Dwyer | Leyendecker |

| | |
|------------|-------------------|
| Little | Reed of Bowie |
| Lock | Reed of Dallas |
| Love | Ridgeway |
| Lucas | Rhodes |
| Lyle | Roark |
| McAlister | Roberts |
| McDonald | Sallas |
| McGlasson | Senterfitt |
| McMurry | Shell |
| McNamara | Simpson |
| Manford | Skiles |
| Markle | Smith of Bastrop |
| Martin | Smith of Atascosa |
| Matthews | Spacek |
| Mills | Spangler |
| Montgomery | Stanford |
| Moore | Stinson |
| Morgan | Thornton |
| Morris | Turner |
| Morse | Vale |
| Murray | Voigt |
| Nicholson | Walters |
| Pace | Wattner |
| Parker | Weatherford |
| Pevehouse | White |
| Phillips | Whitesides |
| Price | Winfree |
| Rampy | |

Nays—7

| | |
|--------|------------|
| Cato | Fitzgerald |
| Craig | Klingeman |
| Donald | McLellan |
| Favors | |

Present—Not Voting

| | |
|-------|--------|
| Lowry | McCann |
|-------|--------|

Absent

| | |
|--------------|---------|
| Celaya | Hartzog |
| Chambers | Kelly |
| Colson, Mrs. | Sharpe |
| Halsey | Stubbs |

Absent—Excused

| | |
|---------|---------|
| Allen | Manning |
| Eubank | Taylor |
| Garland | |

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 904, A bill to be entitled "An Act making an appropriation of the sum of Three Hundred Thousand (\$300,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expense, and to pay the mileage and per diem of members

and the per diem of officers and employees of the Regular Session of the Forty-seventh Legislature, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 904 ON THIRD READING

The Speaker then laid House Bill No. 904 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—130

| | |
|------------------|------------------|
| Allison | Goodman |
| Alsup | Hanna |
| Anderson | Hardeman |
| Avant | Hargis |
| Bailey | Harris of Dallas |
| Baker | Harris of Hill |
| Bean | Heflin |
| Bell | Henderson |
| Benton | Hileman |
| Blankenship | Hobbs |
| Boone | Howard |
| Brawner | Howington |
| Bray | Hoyo |
| Bridgers | Huddleston |
| Brown | Huffman |
| Bruhl | Hughes |
| Bullock | Humphrey |
| Bundy | Hutchinson |
| Burkett | Isaacks |
| Burnaman | Jones |
| Carlton | Kennedy |
| Carrington | Kersey |
| Clark | Kinard |
| Cleveland | King |
| Coker | Klingeman |
| Connelly | Knight |
| Crossley | Lansberry |
| Crosthwait | Lehman |
| Daniel | Leyendecker |
| Davis | Little |
| Deen | Lock |
| Dickson of Bexar | Love |
| Dickson of Nolan | Lucas |
| Donald | McAlister |
| Dove | McCann |
| Duckett | McDonald |
| Dwyer | McGlasson |
| Ellis | McMurry |
| Evans | McNamara |
| Ferguson | Manford |
| Files | Markle |
| Fuchs | Martin |
| Gandy | Matthews |
| Gilmer | Mills |

| | |
|----------------|-------------------|
| Montgomery | Sharpe |
| Moore | Shell |
| Morgan | Simpson |
| Morris | Skiles |
| Morse | Smith of Bastrop |
| Murray | Smith of Atascosa |
| Nicholson | Spacek |
| Pace | Spangler |
| Parker | Stanford |
| Pevehouse | Stinson |
| Phillips | Stubbs |
| Price | Thornton |
| Rampy | Turner |
| Reed of Bowie | Vale |
| Reed of Dallas | Voigt |
| Ridgeway | Walters |
| Rhodes | Wattner |
| Roark | Weatherford |
| Roberts | White |
| Sallas | Whitesides |
| Senterfitt | Winfree |

Nays—7

| | |
|------------|----------|
| Cato | Halsey |
| Craig | Lyle |
| Favors | McLellan |
| Fitzgerald | |

Present—Not Voting

Lowry

Absent

| | |
|--------------|-------------|
| Celaya | Hartzog |
| Chambers | Helpinstill |
| Colson, Mrs. | Kelly |

Absent—Excused

| | |
|---------|---------|
| Allen | Manning |
| Eubank | Taylor |
| Garland | |

RELATIVE TO HOUSE BILL
NO. 392

Mr. Turner moved to suspend all necessary Rules for the purpose of making a motion to reconsider the vote by which House Bill No. 392 was passed.

The motion to suspend the Rules prevailed by the following vote:

Yeas—109

| | |
|----------|-------------|
| Allison | Bell |
| Alsup | Benton |
| Anderson | Blankenship |
| Avant | Boone |
| Bailey | Brawner |
| Baker | Bridgers |
| Bean | Bruhl |

| | |
|------------------|-------------------|
| Bullock | Leyendecker |
| Bundy | Little |
| Burnaman | Lock |
| Carlton | Love |
| Carrington | Lowry |
| Cato | Lucas |
| Chambers | Lyle |
| Clark | McCann |
| Cleveland | McDonald |
| Colson, Mrs. | McGlasson |
| Connelly | McLellan |
| Crossley | Manford |
| Crothwait | Markle |
| Daniel | Martin |
| Deen | Matthews |
| Dickson of Bexar | Mills |
| Donald | Montgomery |
| Dove | Morgan |
| Duckett | Morris |
| Dwyer | Morse |
| Ellis | Murray |
| Evans | Pace |
| Ferguson | Pevehouse |
| Fuchs | Phillips |
| Gandy | Price |
| Gilmer | Rampy |
| Halsey | Reed of Bowie |
| Hardeman | Reed of Dallas |
| Hargis | Ridgeway |
| Harris of Dallas | Rhodes |
| Helpinstill | Sallas |
| Henderson | Sharpe |
| Hileman | Simpson |
| Hobbs | Skiles |
| Howington | Smith of Bastrop |
| Hoyo | Smith of Atascosa |
| Huddleston | Spacek |
| Huffman | Stanford |
| Hughes | Stinson |
| Humphrey | Turner |
| Hutchinson | Vale |
| Jones | Walters |
| Kelly | Wattner |
| Kennedy | Weatherford |
| Kersey | White |
| Klingeman | Whitesides |
| Knight | Winfree |
| Lehman | |

Nays—23

| | |
|------------------|------------|
| Bray | McAlister |
| Brown | McMurry |
| Burkett | McNamara |
| Coker | Nicholson |
| Craig | Parker |
| Davis | Roark |
| Dickson of Nolan | Roberts |
| Favors | Senterfitt |
| Fitzgerald | Spangler |
| Hanna | Thornton |
| King | Voigt |
| Lansberry | |

Absent

| | |
|----------------|---------|
| Celaya | Howard |
| Files | Isaacks |
| Goodman | Kinard |
| Harris of Hill | Moore |
| Hartzog | Shell |
| Heflin | Stubbs |

Absent—Excused

| | |
|---------|---------|
| Allen | Manning |
| Eubank | Taylor |
| Garland | |

Mr. Turner moved to reconsider the vote by which House Bill No. 392 was passed.

The motion to reconsider prevailed.

Question: Shall House Bill No. 392 be passed?

(Mr. Gilmer in the Chair.)

House Bill No. 392 was then passed by the following vote:

Yeas—110

| | |
|--------------|------------------|
| Allison | Files |
| Alsup | Fuchs |
| Anderson | Gandy |
| Avant | Goodman |
| Bailey | Halsey |
| Baker | Hardeman |
| Bean | Hargis |
| Bell | Harris of Dallas |
| Brawner | Helpinstill |
| Bridgers | Henderson |
| Brown | Hileman |
| Bruhl | Hobbs |
| Bullock | Howard |
| Burnaman | Howington |
| Carlton | Hoyo |
| Carrington | Huddleston |
| Cato | Huffman |
| Chambers | Hughes |
| Clark | Humphrey |
| Cleveland | Hutchinson |
| Colson, Mrs. | Isaacks |
| Connelly | Jones |
| Crossley | Kelly |
| Crosthwait | Kennedy |
| Daniel | Kersey |
| Donald | Kinard |
| Dove | Klingeman |
| Duckett | Knight |
| Ellis | Lehman |
| Evans | Leyendecker |
| Ferguson | Little |

| | |
|------------|------------------|
| Lock | Reed of Bowie |
| Love | Reed of Dallas |
| Lowry | Ridgeway |
| Lucas | Rhodes |
| Lyle | Roark |
| McCann | Roberts |
| McDonald | Sallas |
| McLellan | Sharpe |
| McMurry | Shell |
| Manford | Simpson |
| Markle | Smith of Bastrop |
| Matthews | Spacek |
| Mills | Spangler |
| Montgomery | Stanford |
| Moore | Stinson |
| Morgan | Thornton |
| Morris | Turner |
| Morse | Vale |
| Murray | Walters |
| Pace | Wattner |
| Pevehouse | Weatherford |
| Phillips | White |
| Price | Whitesides |
| Rampy | Winfree |

Nays—23

| | |
|------------------|-------------------|
| Benton | Harris of Hill |
| Bray | King |
| Burkett | Lansberry |
| Coker | McAlister |
| Craig | McNamara |
| Davis | Martin |
| Deen | Nicholson |
| Dickson of Bexar | Parker |
| Dickson of Nolan | Senterfitt |
| Favors | Smith of Atascosa |
| Fitzgerald | Voigt |
| Hanna | |

Present—Not Voting

Boone

Absent

| | |
|-------------|---------|
| Blankenship | Hartzog |
| Bundy | Heflin |
| Celaya | Skiles |
| Dwyer | Stubbs |

Absent—Excused

| | |
|---------|-----------|
| Allen | McGlasson |
| Eubank | Manning |
| Garland | Taylor |

Mr. Turner moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE
BILL NO. 271

Mr. Reed of Dallas, submitted for consideration at this time the Conference Committee Report on House Bill No. 271.

The report having been printed in the Journal of Thursday, April 10.

(Speaker in the Chair.)

On motion of Mr. Reed of Dallas, the report was adopted by the following vote:

Yeas—129

| | |
|------------------|------------------|
| Allison | Fuchs |
| Alsup | Gandy |
| Anderson | Gilmer |
| Avant | Halsey |
| Bailey | Hanna |
| Baker | Hardeman |
| Bean | Hargis |
| Bell | Harris of Dallas |
| Benton | Harris of Hill |
| Blankenship | Heflin |
| Boone | Helpinstill |
| Brawner | Henderson |
| Bray | Hileman |
| Bridgers | Hobbs |
| Brown | Howard |
| Bruhl | Howington |
| Bullock | Huddleston |
| Bundy | Huffman |
| Burkett | Hughes |
| Burnaman | Humphrey |
| Carlton | Hutchinson |
| Carrington | Isaacks |
| Cato | Jones |
| Chambers | Kelly |
| Clark | Kennedy |
| Cleveland | Kersey |
| Coker | Kinard |
| Colson, Mrs. | Klingeman |
| Connelly | Knight |
| Crossley | Lansberry |
| Crosthwait | Lehman |
| Daniel | Leyendecker |
| Davis | Little |
| Dickson of Bexar | Lock |
| Dickson of Nolan | Love |
| Dove | Lucas |
| Duckett | Lyle |
| Dwyer | McCann |
| Ellis | McDonald |
| Evans | McGlasson |
| Favors | McMurry |
| Ferguson | McNamara |
| Files | Manford |

Markle
Matthews
Mills
Montgomery
Moore
Morgan
Morris
Morse
Murray
Nicholson
Pace
Pevehouse
Phillips
Price
Reed of Bowie
Reed of Dallas
Ridgeway
Rhodes
Roark
Roberts
Sallas
Senterfitt

Sharpe
Shell
Simpson
Skiles
Smith of Bastrop
Smith of Atascosa
Spacek
Spangler
Stanford
Stinson
Stubbs
Thornton
Turner
Vale
Voigt
Walters
Wattner
Weatherford
White
Whitesides
Winfree

Nays—7

Craig
Deen
Fitzgerald
King

Lowry
McLellan
Rampy

Absent

Celaya
Donald
Goodman
Hartzog

Hoyo
McAlister
Martin
Parker

Absent—Excused

Allen
Eubank
Garland

Manning
Taylor

MOTION TO PLACE HOUSE BILL
NO. 213 ON SECOND
READING

Mr. Hardeman moved that the regular order of business be suspended, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 213, A bill to be entitled "An Act repealing House Bill No. 108, Chapter 25, page 201 et seq., Acts of the Regular Session of the 46th Legislature of the State of Texas; disapproving all of the Court rules for practice and procedure in civil actions promulgated by the Supreme Court under the provisions of House Bill No. 108, being Chapter 25, page 201 et seq., Acts of the Regular Session of the 46th Legis-

lature of Texas; declaring an emergency."

The motion was lost by the following vote:

Yeas—49

| | |
|------------------|-------------------|
| Allison | Helpinstill |
| Alsup | Hobbs |
| Baker | Howington |
| Bean | Huffman |
| Benton | Hughes |
| Blankenship | Isaacks |
| Bridgers | Kennedy |
| Bullock | Lansberry |
| Burkett | Lock |
| Burnaman | Lucas |
| Carrington | McMurry |
| Chambers | McNamara |
| Coker | Montgomery |
| Craig | Murray |
| Crossley | Pace |
| Davis | Parker |
| Deen | Phillips |
| Donald | Rampy |
| Dove | Roberts |
| Fitzgerald | Smith of Atascosa |
| Halsey | Spacek |
| Hardeman | Stanford |
| Hargis | Stubbs |
| Harris of Dallas | Whitesides |
| Heflin | |

Nays—85

| | |
|------------------|----------------|
| Anderson | Gandy |
| Avant | Gilmer |
| Bailey | Hanna |
| Bell | Harris of Hill |
| Boone | Henderson |
| Brawner | Hileman |
| Bray | Hoyo |
| Brown | Huddleston |
| Bruhl | Humphrey |
| Bundy | Jones |
| Carlton | Kimard |
| Cato | King |
| Clark | Klingeman |
| Cleveland | Knight |
| Colson, Mrs. | Lehman |
| Connelly | Leyendecker |
| Crosthwait | Little |
| Daniel | Love |
| Dickson of Bexar | Lowry |
| Dickson of Nolan | Lyle |
| Duckett | McAlister |
| Dwyer | McCann |
| Ellis | McDonald |
| Evans | McGlasson |
| Favors | McLellan |
| Ferguson | Manford |
| Files | Markle |
| Fuchs | Matthews |

| | |
|---------------|------------------|
| Mills | Shell |
| Moore | Simpson |
| Morgan | Smith of Bastrop |
| Morris | Spangler |
| Morse | Stinson |
| Nicholson | Thornton |
| Pevehouse | Turner |
| Price | Vale |
| Reed of Bowie | Voigt |
| Ridgeway | Walters |
| Rhodes | Wattner |
| Roark | Weatherford |
| Sallas | White |
| Senterfitt | Winfree |
| Sharpe | |

Present—Not Voting

Goodman

Absent

| | |
|------------|----------------|
| Celaya | Kersey |
| Hartzog | Martin |
| Howard | Reed of Dallas |
| Hutchinson | Skiles |
| Kelly | |

Absent—Excused

| | |
|---------|---------|
| Allen | Manning |
| Eubank | Taylor |
| Garland | |

HOUSE BILL NO. 219 ON SECOND READING

Mr. McAlister moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, House Bill No. 219.

The motion prevailed by the following vote:

Yeas—83

| | |
|-------------|------------------|
| Allison | Coker |
| Alsup | Craig |
| Avant | Daniel |
| Baker | Davis |
| Bean | Dickson of Bexar |
| Bell | Dove |
| Benton | Duckett |
| Blankenship | Evans |
| Boone | Favors |
| Brown | Ferguson |
| Bullock | Files |
| Bundy | Fitzgerald |
| Burkett | Goodman |
| Carlton | Halsey |
| Carrington | Hanna |
| Cato | Hargis |
| Chambers | Harris of Dallas |

| | |
|-------------|----------------|
| Helpinstill | Morris |
| Henderson | Morse |
| Hileman | Nicholson |
| Howington | Parker |
| Hoyo | Phillips |
| Huddleston | Price |
| Huffman | Reed of Bowie |
| Humphrey | Reed of Dallas |
| Hutchinson | Ridgeway |
| Kennedy | Roark |
| Kersey | Roberts |
| King | Sallas |
| Knight | Senterfitt |
| Lehman | Sharpe |
| Little | Simpson |
| Love | Skiles |
| Lowry | Spacek |
| Lucas | Stanford |
| Lyle | Stubbs |
| McAlister | Thornton |
| McCann | Turner |
| Markle | Vale |
| Matthews | Walters |
| Moore | Wattner |
| Morgan | |

Nays—35

| | |
|------------------|-------------------|
| Bailey | Jones |
| Brawner | Lansberry |
| Bray | Leyendecker |
| Bruhl | Lock |
| Burnaman | McDonald |
| Cleveland | McGlasson |
| Connelly | McLellan |
| Crossley | McNamara |
| Crothwait | Murray |
| Deen | Pace |
| Dickson of Nolan | Pevehouse |
| Dwyer | Rampy |
| Ellis | Rhodes |
| Fuchs | Smith of Atascosa |
| Hardeman | Spangler |
| Harris of Hill | Voigt |
| Heflin | Weatherford |
| Hughes | |

Present—Not Voting

| | |
|-----------|------------------|
| Klingeman | Smith of Bastrop |
| Manford | |

Absent

| | |
|--------------|------------|
| Anderson | Howard |
| Bridgers | Isaacks |
| Celaya | Kelly |
| Clark | Kinard |
| Colson, Mrs. | McMurry |
| Donald | Martin |
| Gandy | Mills |
| Gilmer | Montgomery |
| Hartzog | Shell |
| Hobbs | Stinson |

| | |
|------------|---------|
| White | Winfree |
| Whitesides | |

Absent—Excused

| | |
|---------|---------|
| Allen | Manning |
| Eubank | Taylor |
| Garland | |

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 219, A bill to be entitled "An Act creating a firemen's and policemen's Civil Service law in cities in the State of Texas having a population of 10,000 or more; defining certain terms used in said Act; providing for the creation of Civil Service Commission and the appointment of Commissioners and term of office and providing for chairman of said Commission. Providing for removal of Commissioners for cause, right of hearing before removal with right to appeal to the District Court. Further providing for those subject to Civil Service; further providing for those who are subject to Civil Service appointments, promotions, discharges and demotions. Further providing and defining the functions, duties and powers of the Civil Service Commission and appointment of secretary and chief examiner by appointing, power; etc., and declaring an emergency."

The bill was read second time.

Question: Shall House Bill No. 219 pass to engrossment?

MESSAGE FROM THE SENATE

Austin, Texas, April 14, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 76.

The following have been appointed on the part of the Senate:

Senators Van Zandt, Hazlewood, Martin, Mauritz and Shivers.

Senate has adopted the Conference Committee report on Senate Bill No. 398 by the following vote: Yeas, 25; nays, 1.

Senate has concurred in House amendment to Senate Bill No. 193 by the following vote: Yeas, 27; nays, 0.

Respectfully,

BOB BARKER,

Secretary of the Senate.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following message from the Governor:

April 14th, 1941.

To the Members of the House of Representatives of the Forty-seventh Legislature:

I am sending this message to the Members of the House of Representatives in response to the Resolution which you passed asking me to serve as United States Senator. In view of this Resolution I think you are entitled to have a frank statement from me as to my position with reference to this matter.

A situation has arisen on account of the untimely passing of our beloved United States Senator, Morris Sheppard, which requires careful and thoughtful consideration by the Members of this legislative body and all citizens of Texas. I feel that the urgency of the matter demands consideration and discussion of plans at this time, even though it might be more to our liking to postpone a discussion of the matter until our hearts have had more time to recover from our great loss.

Senator Morris Sheppard was one of the distinguished Members of the Upper House of the greatest deliberative body on earth. Few times in history have problems of more grave importance been before that body. It appears that the slender thread which is holding democracy, liberty and freedom from falling into oblivion rests to a large degree in the hands of our President and his Cabinet, the Members of the United States Congress and other officials of the United States Government.

In this great emergency the citizens of Texas now are called upon to choose a man to fill the vacancy.

It is in a spirit of humble gratefulness that I express to the Members of this House of Representatives my

appreciation of the confidence you have shown in me by the Resolution you passed with only one dissenting vote, urging that I fill the position of United States Senator from Texas. This could, of course, be accomplished by my resigning as Governor of Texas, with the expectation that my successor would appoint me to that high office. It has also been suggested that the appointment could be made to run until the general election of 1942, and the confusion and expense of a special election avoided, by this legislature immediately modifying the present law on this subject.

While these suggestions come from people with honest and sincere intentions, and while they may have some merit, yet with my ideas of Democracy, I cannot subscribe to the idea in this particular case. If I am to serve Texas and this nation as United States Senator, it will not be by a process of appointment in which I would play such an obviously decisive role, but on the contrary it will be only in response to a popular demand of the citizens of Texas, and determined by the sovereign voters at the polls.

The high honor of serving as United States Senator from Texas is indeed an alluring and dazzling inducement, but no inducement could be sufficient to cause me to quit my present job, in the middle of the stream, unfinished. The citizens of Texas have reposed in me a confidence unparalleled in the history of the State, and I do not propose to shatter that confidence by deserting the task and madly rushing on to greener pastures. I intend to merit that confidence by completing the job I started, or continuing my determined attempt to complete it, as long as the good people of this State desire that I so do.

The major legislation which I have advocated and recommended is well known, and I firmly believe that a majority of the citizens of this State want it enacted at the earliest possible date. It is as follows:

First: In my message to you on January 17th, 1941, dealing with social security and State finance I stated that this Legislature should raise between thirty-five and forty million dollars annually to meet the

cost of old age pensions, care for dependent children, care for indigent blind, and teacher retirement.

I recommended that this money to pay the social security be raised from a transaction tax or from some other broad base tax.

I recommended that eleven million dollars be raised annually by taxes on natural resources and public utilities and that the nine million dollars going to the social security fund be diverted to the general fund to make a total of twenty million dollars.

I stated that this twenty million should be expended for the following purposes: Five million per year for the purpose of providing buildings and equipment to take the insane out of the jails and for fireproofing and repairing buildings at these eleemosynary institutions; two and one-half million per year to meet the urgent needs of our institutions of higher learning; five million per year for the support of our public schools, and seven and one-half million annually set aside to retire the deficit during the next four years.

Not only did I recommend these things to the Legislature, but I announced specifically for each of them as a candidate for the office of Governor, and I think the people approved this program.

In this same message I stated that if the Legislature did not approve the method which I recommended to accomplish these objectives I would accept any better method that was fair and reasonable and would raise the necessary amount of money.

About three-fourths of the Regular Session has already elapsed, and only about one-fourth of the Session remains and we find this situation. The House has passed an omnibus tax bill which is estimated to raise approximately twenty-six million dollars according to the State Comptroller's estimate. If this entire amount of money was applied to social security fund and if the money which the fund now receives is left in that fund you would secure approximately enough money to meet the State's social security obligations, but you would have nothing left to use to retire the deficit in

the general fund, to provide for the eleemosynary institutions, institutions of higher learning, and the public schools and I think sufficient money should be raised to meet all of these obligations. I would not feel that I was keeping faith with the people who elected me if I did not stay on the job as long as necessary and exert every possible influence to accomplish in a reasonable way these major objectives. I am willing to accept any reasonable compromises as to method which the Legislature deems expedient, but I feel that it is imperative that the fundamental objectives be accomplished.

Second: Submitting to the sovereign voters of Texas an amendment to stop deficit spending, along the lines of House Joint Resolution No. 1.

Third: Passage of the Auditor and Budget Director bill along the lines of House Bill No. 59.

Fourth: Giving the right of free Texas citizens to vote in the Primary elections, by presenting either a poll tax receipt or a registration certificate obtainable without cost.

Fifth: Discontinue the State's violation of God's commandment, "Thou shalt not kill," by substituting the irrevocable life sentence for the death penalty.

If the Legislature does not care to assume the responsibility of passing the fourth and fifth suggestions by statutory enactment, I urge that you adopt the true and tried democratic process, and submit these two issues by constitutional amendment to the sovereign voters of this State. Surely there can be no argument against letting the citizens decide these issues at the polls.

There are many more very important bills pending, and I hope you will give all of them careful consideration and attention, but I urge that you give the five above mentioned bills immediate attention because they are problems which I discussed in detail with the citizens of the State, and are problems which I believe the people want settled. Your action on these five bills will also enable me to decide whether I should comply with your expressed

desire and offer myself as a candidate for the office of United States Senator.

But, if I offer myself as a candidate, the final decision will be made by the voters of Texas as to whether my major tasks have been successfully performed. If they elect me to this high office, I will consider that I have successfully performed the task they expected me to perform, and that they have also doubly rewarded me by adding to the already great honor of being Governor of Texas, the additional honor of being United States Senator, which new position I shall endeavor to fill with honor to my State and Nation.

In conclusion may I remind you of a statement made in my first message to this Legislature as follows: "I am confident that more benefit will come out of this Session for the great rank and file of the common citizens of this State than has ever before been accomplished. I anticipate the greatest joy of my life in sharing with you, ladies and gentlemen of the 47th Legislature of the great State of Texas, the most constructive accomplishments of our State's history."

Our Regular Session is now nearing its end. Much constructive legislation has been enacted. Our No. 1 problem is still unsolved, largely due, I believe, to a diversity of methods advocated. I trust you will get together on the best method, and finish this job promptly and thus receive the acclaim of the citizens of this State who have been so bitterly disappointed with every other Legislature which has convened since the adoption of the four Social Security Constitutional Amendments.

Before closing I again want to say that words fail to express my sincere appreciation of the confidence you expressed in your resolution asking me to serve as United States Senator.

Respectfully submitted,

W. LEE O'DANIEL,
Governor of Texas.

EXPRESSING SYMPATHY OF THE
HOUSE TO MRS. BESSIE
AVANT

Mr. Ferguson offered the following resolution:

H. S. R. No. 203, Expressing Sympathy of the House to Mrs. Bessie Avant.

Whereas, Mrs. Bessie Avant, mother of our fellow Member, Honorable Robert Avant, has sustained a serious injury which will confine her in the Brackenridge Hospital for a period of time; and

Whereas, The House of Representatives regrets exceedingly the fact that she has sustained such injury; now, therefore, be it

Resolved, by the House of Representatives, That we hereby express to Mrs. Avant our sincere regrets in this time of trouble and trust that she will soon recover; and be it further

Resolved, That flowers be sent to her at the hospital and that the Chief Clerk of the House send her a copy of this resolution.

FERGUSON.

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett, Burnaman, Carlton, Carrington, Cato, Celaya, Chambers, Clark, Cleveland, Coker, Mrs. Colson, Connelly, Craig, Crossley, Crowthwait, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Ellis, Eubank, Evans, Favors, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Halsey, Hanna, Harde-man, Hargis, Harris of Dallas, Harris of Hill, Hartzog, Heflin, Helpin-still, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kelly, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lansberry, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, Lyle, McAlister, McCann, McDonald, McGlasson, McLellan, McMurry, McNamara, Manford, Manning, Markle, Martin, Matthews, Mills, Montgomery, Moore, Morgan, Morris, Morse, Murray, Nicholson, Pace, Parker, Peve-house, Phillips, Price, Rampy, Reed of Bowie, Reed of Dallas, Ridgeway, Roark, Roberts, Rhodes, Sallas, Sen-

terfitt, Sharpe, Shell, Simpson, Skiles, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stinson, Stubbs, Taylor, Thornton, Turner, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides and Winfree.

On the motion of Mr. Kelly, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

H. B. No. 714, "An Act providing for a closed season for taking wild deer and wild turkey in the Counties of Red River, Lamar and Bowie for five years; providing a penalty; repealing conflicting laws; and declaring an emergency."

H. B. No. 256, "An Act to provide that the Commissioners Court of any county in the State may abolish dormant road districts which have paid off and discharged all of the bonds issued and sold by said road district, or when an election in such created road district for issuance of bonds shall have failed, or when the bonds issued by such road district have been assumed and exchanged for county bonds under the compensation bond statutes, Chapter 16, page 23, General Laws, Thirtieth Legislature, First Called Session, 1926; and declaring an emergency."

H. B. No. 817, "An Act creating a Special Road Law for DeWitt County, Texas; providing that said county may fund or refund into coupon bonds the scrip and time warrants outstanding against its road and bridge fund as of the 31st day of March, 1941; setting forth the method of said funding or refunding; validating all acts of the Commissioners' Court in issuing said scrip and time warrants; validating said scrip and time warrants; pro-

viding the General Laws of the State of Texas shall be applicable to DeWitt County when not in conflict herewith; providing this Act shall be cumulative of all General and Special Laws not in conflict herewith; providing a saving clause; and declaring an emergency."

H. B. No. 442, "An Act validating certain outstanding road and bridge time warrants of Medina County, Texas, heretofore issued to provide funds for road and bridge purposes, including the purchase of rights-of-way and road machinery; and authorizing the Commissioners' Court of Medina County to fund or refund into coupon road and bridge funding or refunding bonds of said county, said time warrants to the amount of \$49,500.00; providing for the approval of said bonds by the Attorney General and their registration by the State Comptroller; and declaring an emergency."

H. B. No. 493, "An Act authorizing the Commissioners Court in each county in this State having a population of not less than eighteen thousand, four hundred and forty-four (18,444) and not more than eighteen thousand, five hundred (18,500); and counties having a population of not less than twelve thousand, three hundred and forty-four (12,344) nor more than twelve thousand, five hundred (12,500), according to the last preceding Federal Census, to allow each County Commissioner certain expenses for traveling and in connection with the use of his automobile on official business only and in overseeing the construction and maintenance of the public roads of the county; requiring each such Commissioner to pay the expense of operation and repair of such vehicle so used by him without any further expense whatsoever to the county; and declaring an emergency."

H. B. No. 596, "An Act creating the County Court at Law for Travis County, Texas; defining the jurisdiction of said court; regulating practice therein; prescribing the terms of said court; providing for clerk and seal for said court and prescribing the duties of the sheriff

and county attorney in relation to said court; limiting the jurisdiction of the County Court of Travis County; and providing for the transfer of cases pending and to be filed in the County Court of Travis County to the said court hereby created, and for appeals from inferior courts to the court hereby created, and for appeals from said court; creating the office of judge of the County Court of Law of Travis County; providing for the appointment, election, removal, bond and salary of the judge of said court and prescribing his qualifications; providing for special judge; providing for the disposition of fees; providing for a court reporter and transfer of juries; and declaring an emergency."

H. B. No. 83, "An Act making an appropriation out of any moneys in the State Treasury not otherwise appropriated for the Nueces River Conservation and Reclamation District, for each of the fiscal years ending August 31, 1942, and August 31, 1943, to aid said district in making the necessary surveys and preparing the necessary plans for its construction program; and declaring an emergency."

H. B. No. 87, "An Act authorizing the qualified voters of any independent school district situated wholly within one county, and containing not less than ninety square miles in area, and also having an assessed property valuation of not less than thirty-five million dollars (\$35,000,000.00), to determine whether or not any such district shall levy a tax for maintenance and bond purposes, the maximum of which for both of such purposes shall not exceed one dollar twenty-five cents (\$1.25) on the one hundred dollars valuation in any one year; providing that said tax shall be authorized, levied, assessed and collected under provisions of the law applicable to independent school district taxes; etc.; and declaring an emergency."

RECESS

On motion of Mr. Kinard the House at 12:20 o'clock p. m. took recess until 2:30 o'clock p. m. today.

AFTERNOON SESSION

The House met at 2:30 o'clock p. m. and was called to order by the Speaker.

LEAVES OF ABSENCE GRANTED

Mr. Hileman was granted leave of absence for this afternoon on account of illness on motion of Mr. Fitzgerald.

HOUSE BILL NO. 219 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House as pending business House Bill No. 219, To create a fireman's and policemen's Civil Service Law in certain cities, etc., on its passage to engrossment.

The bill having been read second time on this morning.

Mr. Brawner offered the following amendment to the bill:

"Amend House Bill No. 219 by striking out the enacting clause."

Mr. Lyle moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—70

| | |
|------------------|-------------|
| Allison | Fitzgerald |
| Alsup | Goodman |
| Anderson | Halsey |
| Bean | Helpinstill |
| Bell | Henderson |
| Boone | Hoyo |
| Bridgers | Hughes |
| Brown | Humphrey |
| Bundy | Isaacks |
| Carlton | Kelly |
| Carrington | Kennedy |
| Cato | Kersey |
| Celaya | Kinard |
| Clark | Lansberry |
| Cleveland | Little |
| Coker | Lock |
| Craig | Love |
| Dickson of Bexar | Lowry |
| Dwyer | Lucas |
| Evans | Lyle |
| Favors | McAlister |
| Ferguson | McCann |
| Files | McMurry |

| | |
|---------------|------------|
| Markle | Roberts |
| Martin | Senterfitt |
| Matthews | Sharpe |
| Mills | Simpson |
| Moore | Skiles |
| Morgan | Stanford |
| Nicholson | Stinson |
| Phillips | Thornton |
| Price | Turner |
| Reed of Bowie | Vale |
| Ridgeway | Wattner |
| Roark | Whitesides |

Nays—55

| | |
|------------------|-------------------|
| Bailey | Huffman |
| Benton | Hutchinson |
| Brawner | Jones |
| Bray | King |
| Bruhl | Klingeman |
| Burkett | Knight |
| Burnaman | Leyendecker |
| Connelly | McDonald |
| Crossley | McLellan |
| Crosthwait | McNamara |
| Daniel | Montgomery |
| Deen | Morse |
| Dickson of Nolan | Murray |
| Donald | Pace |
| Dove | Parker |
| Duckett | Pevhouse |
| Ellis | Rampy |
| Fuchs | Reed of Dallas |
| Gandy | Rhodes |
| Hanna | Smith of Atascosa |
| Hargis | Spangler |
| Harris of Dallas | Stubbs |
| Harris of Hill | Voigt |
| Heflin | Walters |
| Hobbs | Weatherford |
| Howard | White |
| Howington | Winfree |
| Huddleston | |

Present—Not Voting

| | |
|------------------|---------|
| Morris | Manning |
| Smith of Bastrop | |

Absent

| | |
|--------------|-----------|
| Avant | Hardeman |
| Baker | Hartzog |
| Blankenship | Lehman |
| Bullock | McGlasson |
| Chambers | Manford |
| Colson, Mrs. | Sallas |
| Davis | Shell |
| Gilmer | Spacek |

Absent—Excused

| | |
|---------|---------|
| Allen | Hileman |
| Eubank | Taylor |
| Garland | |

Mr. Blankenship offered the following amendment to the bill:

Amend House Bill No. 219 by adding at the end thereof the following: "Provided that nothing herein shall apply to counties having a population of 350,000 or more according to the last Federal Census."

BLANKENSHIP,
STINSON,
HEFLIN,
REED of Dallas,
HARRIS of Dallas,
CROSTHWAIT,
HANNA,
MONTGOMERY,
MORSE,
HOWARD,
WINFREE.

The amendment was adopted.

Mr. Isaacks offered the following amendment to the bill:

Amend House Bill No. 219, Section 2, line 38, page 2, by inserting after the comma following the word "more" and before the article "a" in said line the following:

"except such cities as have heretofore set up or established a merit or civil service system applicable to all or the greater portion of the employees of said city."

Mr. Bean moved to table the amendment.

The motion to table was lost.

Question recurring on the amendment by Mr. Isaacks, it was lost.

Mr. Isaacks moved to reconsider the vote by which the amendment was lost.

Question recurring on the motion to reconsider, yeas and nays were demanded.

The motion to reconsider prevailed by the following vote:

Yeas—66

| | |
|-------------|----------|
| Bailey | Bundy |
| Baker | Burkett |
| Benton | Burnaman |
| Blankenship | Chambers |
| Brawner | Coker |
| Bray | Connelly |
| Bridgers | Daniel |
| Bruhl | Deen |

| | |
|------------------|-------------------|
| Dickson of Nolan | Lucas |
| Donald | McDonald |
| Dove | McGlasson |
| Duckett | McNamara |
| Ellis | Matthews |
| Fuchs | Montgomery |
| Hanna | Moore |
| Hardeman | Morse |
| Harris of Hill | Nicholson |
| Heflin | Parker |
| Helpinstill | Pevehouse |
| Henderson | Phillips |
| Hobbs | Price |
| Howington | Rampy |
| Huddleston | Roberts |
| Huffman | Senterfitt |
| Hughes | Sharpe |
| Humphrey | Shell |
| Hutchinson | Smith of Bastrop |
| Isaacks | Smith of Atascosa |
| Jones | Spacek |
| King | Spangler |
| Klingeman | Voigt |
| Lansberry | White |
| Lehman | Winfree |

Nays—53

| | |
|------------------|----------------|
| Allison | Kersey |
| Alsup | Kinard |
| Anderson | Knight |
| Avant | Love |
| Bean | Lyle |
| Bell | McAlister |
| Boone | McCann |
| Brown | McLellan |
| Bullock | McMurry |
| Carlton | Markle |
| Carrington | Martin |
| Cato | Mills |
| Clark | Morgan |
| Cleveland | Morris |
| Craig | Murray |
| Crossley | Pace |
| Dickson of Bexar | Reed of Bowie |
| Dwyer | Reed of Dallas |
| Evans | Ridgeway |
| Favors | Rhodes |
| Ferguson | Sallas |
| Fitzgerald | Simpson |
| Goodman | Thornton |
| Halsey | Turner |
| Hargis | Vale |
| Hoyo | Whitesides |
| Kennedy | |

Present—Not Voting

| | |
|--------------|-------------|
| Colson, Mrs. | Roark |
| Crothwait | Stubbs |
| Gandy | Walters |
| Howard | Wattner |
| Manford | Weatherford |

Absent

| | |
|------------------|-------------|
| Celaya | Leyendecker |
| Davis | Little |
| Files | Lock |
| Gilmer | Lowry |
| Harris of Dallas | Skiles |
| Hartzog | Stanford |
| Kelly | Stinson |

Absent—Excused

| | |
|---------|---------|
| Allen | Hileman |
| Eubank | Manning |
| Garland | Taylor |

Question: Shall the amendment by Mr. Isaacks be adopted?

The amendment was lost by the following vote:

Yeas—59

| | |
|------------------|-------------------|
| Bailey | Jones |
| Baker | Kinard |
| Benton | King |
| Blankenship | Klingeman |
| Brawner | Lehman |
| Bridgers | Lucas |
| Bruhl | McDonald |
| Burkett | McGlasson |
| Burnaman | McNamara |
| Chambers | Manford |
| Connelly | Matthews |
| Daniel | Moore |
| Deen | Morse |
| Dickson of Nolan | Murray |
| Donald | Nicholson |
| Duckett | Parker |
| Ellis | Pevehouse |
| Fuchs | Price |
| Hanna | Rampy |
| Hardeman | Roberts |
| Harris of Dallas | Sharpe |
| Harris of Hill | Shell |
| Helpinstill | Smith of Bastrop |
| Henderson | Smith of Atascosa |
| Hobbs | Spacek |
| Howington | Spangler |
| Huddleston | Voigt |
| Huffman | White |
| Hutchinson | Winfree |
| Isaacks | |

Nays—61

| | |
|----------|------------|
| Allison | Bray |
| Alsup | Brown |
| Anderson | Bullock |
| Avant | Carlton |
| Bean | Carrington |
| Bell | Cato |
| Boone | Clark |

| | |
|------------------|----------------|
| Cleveland | Lyle |
| Coker | McAlister |
| Craig | McCann |
| Crossley | McLellan |
| Dickson of Bexar | McMurry |
| Dwyer | Markle |
| Evans | Martin |
| Favors | Mills |
| Ferguson | Morgan |
| Fitzgerald | Morris |
| Goodman | Pace |
| Halsey | Phillips |
| Hargis | Reed of Bowie |
| Hoyo | Reed of Dallas |
| Hughes | Ridgeway |
| Humphrey | Rhodes |
| Kennedy | Sallas |
| Kersey | Simpson |
| Knight | Thornton |
| Lansberry | Turner |
| Little | Vale |
| Lock | Wattner |
| Love | Whitesides |
| Lowry | |

Present—Not Voting

| | |
|--------------|-------------|
| Colson, Mrs. | Senterfitt |
| Crosthwait | Stinson |
| Files | Stubbs |
| Gandy | Walters |
| Howard | Weatherford |
| Roark | |

Absent

| | |
|---------|-------------|
| Bundy | Heflin |
| Celaya | Kelly |
| Davis | Leyendecker |
| Dove | Montgomery |
| Gilmer | Skiles |
| Hartzog | Stanford |

Absent—Excused

| | |
|---------|---------|
| Allen | Hileman |
| Eubank | Manning |
| Garland | Taylor |

Mr. Huffman offered the following amendment to the bill:

Amend House Bill No. 219 by substituting the figures "15,000" in place of "10,000" in line 38, page 2, and line 1, page 4, and amend the caption to conform.

Mr. Kennedy moved to table the amendment

The motion to table prevailed.

Mr. Pevehouse offered the following amendment to the bill:

Amend House Bill No. 219 by omitting counties having a population according to the last preceding Federal Census of not less than 51,300 and not more than 51,400.

Mr. Alsup raised a point of order on further consideration of the amendment at this time, on the ground that the amendment is not germane to the bill.

The Speaker overruled the point of order.

Mr. Anderson raised a point of order on further consideration of the amendment at this time, on the ground that the amendment, as drawn, is not in proper order.

The Speaker sustained the point of order.

Mr. Favors offered the following amendment to the bill:

Amend House Bill No. 219 by adding a new section to be known as Sec. 4-a to read as follows:

"The provisions of this Act shall not become effective in any city unless authorized first by a majority of the qualified voters of such city."

Mr. Lyle offered the following substitute for the amendment by Mr. Favors:

Amend House Bill No. 219 by adding a section to be known as section (—) to read as follows:

This Act shall become effective if within sixty (60) days a majority of the qualified voters in any city effected do not refuse to come within and under the provisions hereof.

Mr. Pace moved that House Bill No. 219 be tabled.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called and the vote announced, as follows: Yeas, 63; nays, 61.

A verification of the vote was requested.

Mr. Bailey moved a call of the House pending the verification, and the call was duly ordered.

(Pending the verification, Mr. Kersey occupied the Chair temporarily.)

(Speaker in the chair.)

The roll of the "yeas" and "nays" was again called and the verified vote resulted, as follows:

Yeas—64

| | |
|------------------|-------------------|
| Avant | Isaacks |
| Bailey | Jones |
| Baker | King |
| Benton | Klingeman |
| Blankenship | Knight |
| Brawner | Lansberry |
| Bray | Lehman |
| Bruhl | Leyendecker |
| Burkett | Lock |
| Burnaman | Lucas |
| Chambers | McDonald |
| Connelly | McGlasson |
| Craig | McNamara |
| Crossley | Manford |
| Crosthwait | Matthews |
| Dickson of Nolan | Morse |
| Donald | Murray |
| Duckett | Pace |
| Ellis | Parker |
| Ferguson | Pevehouse |
| Gandy | Price |
| Gilmer | Rampy |
| Hanna | Rhodes |
| Hargis | Shell |
| Harris of Hill | Smith of Bastrop |
| Hobbs | Smith of Atascosa |
| Howard | Spangler |
| Howington | Stubbs |
| Huddleston | Voigt |
| Huffman | Weatherford |
| Hughes | White |
| Hutchinson | Winfree |

Nays—62

| | |
|------------|------------------|
| Allison | Dickson of Bexar |
| Alsup | Dwyer |
| Anderson | Evans |
| Bean | Favors |
| Bell | Files |
| Boone | Fitzgerald |
| Brown | Goodman |
| Bullock | Halsey |
| Bundy | Hardeman |
| Carlton | Harris of Dallas |
| Carrington | Hoyo |
| Celaya | Humphrey |
| Clark | Kennedy |
| Cleveland | Kersey |
| Coker | Kinard |
| Daniel | Little |

| | |
|------------|----------------|
| Love | Phillips |
| Lowry | Reed of Bowie |
| Lyle | Reed of Dallas |
| McAlister | Ridgeway |
| McCann | Roark |
| McLellan | Sharpe |
| McMurry | Simpson |
| Markle | Skiles |
| Martin | Spacek |
| Mills | Stanford |
| Montgomery | Stinson |
| Moore | Thornton |
| Morgan | Turner |
| Morris | Wattner |
| Nicholson | Whitesides |

Present—Not Voting

| | |
|--------------|------------|
| Colson, Mrs. | Roberts |
| Fuchs | Senterfitt |
| Helpinstill | Walters |

Absent

| | |
|----------|-----------|
| Bridgers | Heflin |
| Cato | Henderson |
| Davis | Kelly |
| Deen | Sallas |
| Dove | Vale |
| Hartzog | |

Absent—Excused

| | |
|---------|---------|
| Allen | Hileman |
| Eubank | Manning |
| Garland | Taylor |

PAIRED

Mr. Fuchs (present), who would vote "nay," with Mr. Davis (absent) who would vote "yea."

The Speaker announced that the motion to table House Bill No. 219 prevailed.

PROVIDING FOR EXTENSION OF TIME FOR THE REGISTRATION OF MOTOR TRUCKS

Mr. Alsup offered the following resolution:

H. C. R. No. 88, Providing for extension of time for the registration of Motor Trucks.

Whereas, On Thursday, March 27, 1941, the House of Representatives passed House Concurrent Resolution No. 83, as follows:

"Whereas, The seven thousand pound net load limit for motor trucks is no longer in force in this State; and

"Whereas, The Load limit has been raised to thirty-eight thousand (38,000) pounds; and

"Whereas, House Bill No. 88 and Senate Bill No. 43, each of which radically change the schedule of registration fees for commercial motor trucks, are now being considered by the House and the Senate respectively; and

"Whereas, The last date for payment of registration fees of commercial motor trucks is March 31; and

"Whereas, It is doubtful that either House Bill No. 88 or Senate Bill No. 43 will be enacted into law by March 31; now therefore, be it

"Resolved, by the House of Representatives the Senate concurring, That the officers of this State charged with enforcing the registration statutes for commercial motor vehicles are hereby petitioned to forego, and withhold prosecution, of the owners of such vehicles so that the owners of said commercial vehicles may have the opportunity of registering said commercial motor vehicles, under said new registration act, without suffering any penalties if said vehicles are registered on or before April 15, 1941. It being the intent of the Legislature that such owners shall be given the opportunity to register such commercial motor vehicles under said new law without suffering any penalty or prosecution; and that the owners of said vehicles be permitted to operate their said vehicles under their old plates until April 15, 1941; and be it further

Resolved, That the Secretary of State be directed to send a copy of this Resolution to the Director of the Department of Public Safety; the State Highway Engineer; the County Judge of each County and the Tax Assessor-Collectors of each County in this State; and it is so resolved."

"Whereas, Senate Bill No. 43, revising the schedule of weights and fees to be collected on commercial motor vehicles passed House and Senate and became a law Friday afternoon, April 11, 1941; and

"Whereas, It will be impossible for many Tax Collectors of Texas to register all of the commercial

motor vehicles by April 15, 1941; and

"Whereas, It would save many of the Counties additional expense if they had more time in which to register commercial motor vehicles; now therefore be it

Resolved, by the House of Representatives the Senate concurring, That the officers of this State charged with enforcing the registration statutes for commercial motor vehicles are hereby petitioned to forego, and withhold prosecution, of the owners of such vehicles so that the owners of said commercial vehicles may have the opportunity of registering said commercial motor vehicle, under said new registration act, without suffering any penalties if said vehicles are registered on or before April 28, 1941. It being the intent of the Legislature that such owners shall be given the opportunity to register such commercial motor vehicles under said new law without suffering any penalty or prosecution; and that the owners of said vehicles be permitted to operate their said vehicles under their old plates until April 28, 1941; and be it further.

"Resolved, That the Secretary of State be directed to send a copy of this Resolution to the Director of the Department of Public Safety; the State Highway Engineer; the County Judge of each County and the Tax Assessor-Collectors of each County in this State; and it is so resolved."

The resolution was read second time and was adopted by the following vote:

Yeas—126

| | |
|----------|--------------|
| Allison | Burkett |
| Alsup | Burnaman |
| Anderson | Carlton |
| Avant | Carrington |
| Bailey | Cato |
| Baker | Celaya |
| Bean | Chambers |
| Bell | Clark |
| Benton | Coker |
| Boone | Colson, Mrs. |
| Bray | Connelly |
| Brown | Craig |
| Bruhl | Crossley |
| Bullock | Crothwait |
| Bundy | Daniel |

| | |
|------------------|-------------------|
| Deen | McAlister |
| Dickson of Bexar | McCann |
| Dickson of Nolan | McDonald |
| Donald | McGlasson |
| Duckett | McLellan |
| Dwyer | McMurry |
| Ellis | McNamara |
| Evans | Manford |
| Favors | Markle |
| Ferguson | Martin |
| Files | Matthews |
| Fitzgerald | Mills |
| Gandy | Montgomery |
| Gilmer | Morgan |
| Goodman | Morris |
| Hanna | Morse |
| Hardeman | Nicholson |
| Hargis | Pace |
| Harris of Dallas | Parker |
| Harris of Hill | Phillips |
| Hartzog | Price |
| Heflin | Rampy |
| Helpinstill | Reed of Bowie |
| Henderson | Reed of Dallas |
| Hobbs | Ridgeway |
| Howard | Rhodes |
| Howington | Roark |
| Hoyo | Roberts |
| Huddleston | Senterfitt |
| Huffman | Sharpe |
| Hughes | Shell |
| Humphrey | Simpson |
| Hutchinson | Smith of Bastrop |
| Isaacks | Smith of Atascosa |
| Jones | Spangler |
| Kennedy | Stanford |
| Kersey | Stinson |
| King | Stubbs |
| Klingeman | Thornton |
| Knight | Turner |
| Lansberry | Vale |
| Leyendecker | Voigt |
| Little | Walters |
| Lock | Wattner |
| Love | Weatherford |
| Lowry | White |
| Lucas | Whitesides |
| Lyle | Winfree |

Nays—2

Moore

Pevehouse

Absent

Blankenship
Brawner
Bridgers
Cleveland
Davis
Dove
Fuchs
Halsey

Kelly
Kinard
Lehman
Murray
Sallas
Skiles
Spacek

Absent—Excused

| | |
|---------|---------|
| Allen | Hileman |
| Eubank | Manning |
| Garland | Taylor |

SPECIAL COMMITTEE
APPOINTED

The Speaker announced the appointment of the following in compliance with House Simple Resolution No. 191, by Mr. White, Providing for the appointment of committee to make certain investigation in regard to the water rights of the Pecos River: Mr. White and Mr. Donald.

RELATIVE TO HOUSE BILL
NO. 322

Mr. Pevehouse moved that all necessary Rules be suspended for the purpose of making a motion to reconsider the vote by which House Bill No. 322 was tabled.

The motion to suspend the Rules was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—75

| | |
|------------------|------------|
| Allison | Hobbs |
| Anderson | Hoyo |
| Avant | Huddleston |
| Bailey | Huffman |
| Baker | Hutchinson |
| Benton | Kennedy |
| Bullock | Kersey |
| Carrington | King |
| Cato | Knight |
| Chambers | Lehman |
| Connelly | Lock |
| Craig | Lowry |
| Crossley | Lucas |
| Daniel | McCann |
| Deen | McDonald |
| Dickson of Bexar | McGlasson |
| Dickson of Nolan | McLellan |
| Donald | McMurry |
| Dove | McNamara |
| Duckett | Martin |
| Dwyer | Matthews |
| Ellis | Mills |
| Evans | Moore |
| Favors | Morgan |
| Ferguson | Murray |
| Fuchs | Pace |
| Gandy | Parker |
| Goodman | Pevehouse |
| Halsey | Price |
| Helpinstill | Rampy |

| | |
|------------------|-------------------|
| Reed of Bowie | Smith of Atascosa |
| Ridgeway | Spacek |
| Roark | Stubbs |
| Roberts | Turner |
| Sallas | Walters |
| Sharpe | White |
| Simpson | Whitesides |
| Smith of Bastrop | |

Nays—62

| | |
|------------------|----------------|
| Alsup | Hughes |
| Bean | Humphrey |
| Bell | Isaacks |
| Blankenship | Jones |
| Boone | Kelly |
| Brawner | Klingeman |
| Bray | Lansberry |
| Bridgers | Leyendecker |
| Brown | Little |
| Bruhl | Love |
| Bundy | Lyle |
| Burkett | McAlister |
| Carlton | Markle |
| Celaya | Montgomery |
| Clark | Morris |
| Cleveland | Morse |
| Coker | Nicholson |
| Colson, Mrs. | Phillips |
| Crosthwait | Reed of Dallas |
| Files | Rhodes |
| Fitzgerald | Senterfitt |
| Gilmer | Shell |
| Hanna | Skiles |
| Hardeman | Spangler |
| Harris of Dallas | Stanford |
| Harris of Hill | Stinson |
| Hartzog | Thornton |
| Heflin | Vale |
| Henderson | Voigt |
| Howard | Wattner |
| Howington | Weatherford |

Absent

| | |
|----------|---------|
| Burnaman | Kinard |
| Davis | Manford |
| Hargis | Winfrey |

Absent—Excused

| | |
|---------|---------|
| Allen | Hileman |
| Eubank | Manning |
| Garland | Taylor |

HOUSE BILL NO. 42 ON SECOND READING

Mr. Humphrey moved that the regular order of business be suspended to take up and have placed on its second reading and passage, to engrossment, House Bill No. 42.

The motion prevailed.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 42, A bill to be entitled "An Act providing a unified, comprehensive code of procedures for financial administration, including financial planning and budgeting, accounting and financial control, current auditing of receivables and receipts and preauditing of expenditures, purchasing and property control, and management of general government buildings; creating a Governor's Cabinet, a Department of Finance and Control, a Director of the Budget, a Director of Purchasing, a Division of Accounting, and prescribing their power and duties, a Classified Civil Service based upon the merit system for Personnel Administration, an Advisory Personnel Council; prescribing methods of procedures for personnel administration, and creating an auditor of State, a Commissioner of Institutions, and prescribing their powers and duties; making transfers of functions from existing officers and other agencies to the agencies so created; abolishing certain agencies; declaring the rule that the remainder of the Act shall not be affected by the unconstitutionality or invalidity of any part thereof, repealing all laws and parts of laws in conflict herewith, prescribing penalties for violations of provisions of this Act, and declaring time of going into effect."

The bill was read second time.

Mr. Humphrey offered the following committee amendment to the bill:

Amend House Bill No. 42 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Article I

Short Title and Definitions

Section 1. Short Title:

This Act shall be known and may be cited as "The Finance and Control Act of 1941."

Section 2. Definitions:

As used in this Act, except where the context clearly requires otherwise, the words and expressions de-

defined in this section shall be held to have the meanings here given to them.

(1) "Agency" means any State office, department, board, commission, institution, division, officers or other person, or functional group, heretofore existing or hereafter created, that is authorized to exercise, or that does exercise, any functions of the government of the State, but not any governing body or officer of any local government subdivision of the State.

(2) "Appropriation" means an authorization by the Legislature to a budget unit to expend from public funds a sum of money not in excess of a sum specified, for the purposes designated, under the procedure herein prescribed.

(3) "Appropriation Act" means an act of the Legislature that authorizes the expenditure of State money.

(4) "Bill" means a statement of expense incurred.

(5) "Budget Class" means a kind of expenditure denoting a class of services or commodities purchased or properties acquired, as specified in the classification of expenditures prescribed as provided herein for use in expenditure accounting, in the making of budget estimates, and in the executive budget and State budget.

(6) "Budget estimates" means the statement with its accompanying explanations, as provided herein, in which a budget unit states its financial requirements and requests appropriations.

(7) "Budget unit" means an agency for which separate appropriations are made.

(8) "Budget unit head" means the chief administrative officer of a budget unit.

(9) "Capital outlays" means expenditures for acquiring lands, buildings, equipments or other permanent properties, or for their conservation or development or permanent improvement.

(10) "Claim" means an assertion of facts relative to a bill.

(11) "Commissioner" means the Commissioner of Finance and Con-

trol as head of the Department of Finance and Control.

(12) "Disbursements" means cash actually paid out for any or all purposes.

(13) "Executive budget" means the document submitted to the Legislature at each regular session, pursuant to the provisions of this Act, presenting the Governor's recommended complete financial plan for each year of the ensuing biennium.

(14) "Expenditures" means expenses and capital outlays.

(15) "Expenses" means values consumed in maintaining, managing, and operating government services, whether such values are represented by each paid out, or by obligations to pay cash, or partly by each.

(16) "Extraordinary expense" means expenses of unusual character such as in the normal course of events, would not be expected to occur in each year, to the excess over the normal requirements due to unusual conditions in any budget year.

(17) "Functions" means duties, jurisdiction, powers, rights, and obligations, conferred or imposed upon, or vested in, or any agency by law, or exercised, performed, or discharged by any agency without contravention of any provision of law.

(18) "Ordinary recurring expenses" means all expenses of a continuing or recurrent character that, in the normal course of administration, may be expected to be necessary in approximately the same amounts each year.

(19) "Post-auditing" means the process of inspecting accounts after the transaction has taken place with the view of discovering irregularities.

(20) "Pre-auditing" means the process of inspecting and verifying a claim in accordance to laws and regulations before payment.

(21) "Receipts" means cash actually received from any or all sources.

(22) "Requisition" means a formal request for allotment of appropriations.

(23) "Revenues" means values accruing without resultant increase in liabilities or decrease in assets,

whether such values are represented by cash actually received or by amounts due and payable, or partly by each.

(24) "State" means the State of Texas.

(25) "State Auditor" means an officer of the State charged by law with making independent post audits of the finances and accounts of State Agencies.

(26) "State budget" means the document prepared by the Director of Finance and Control, as in this Act provided, setting forth the financial plan presented in the executive budget, as modified and adopted by the Legislature by the passage of acts to make the financial plan effective.

(27) "Warrant" means the instrument issued by the Comptroller of Public Accounts on the State Treasury for payment of money.

Article II

Governor's Cabinet Established

There shall be and is hereby established a Governor's Cabinet, which shall be composed of the Constitutional designated executives of the State; namely, the Governor, The Lieutenant Governor, the Comptroller of Public Accounts, the Treasurer, the Attorney General, the Secretary of State, the Commissioner of the General Land Office, an administrative officer of the State to be selected by the Governor to represent each of the following functions of the State: higher education, public school education, public health, highways and public works, agriculture and related activities, business regulation, labor, the professions, eleemosynary and correctional, liquor control, and public welfare. Other administrative officers of the State may be appointed by the Governor, but the number shall not exceed twenty-one.

The Governor shall serve as the presiding officer and shall call Cabinet meetings at such times as he thinks advisable. The Governor with the advice and consent of the Governor's Cabinet shall prescribe the rules, regulations and procedures for conducting the work of the Governor's Cabinet.

It is the declared intention of the Legislature to effect a greater coor-

dination of the administrative functions through the Governor's Cabinet, and it shall be the purpose of the Governor's Cabinet to serve the Governor in an advisory capacity in carrying out the provisions of this Act and in that capacity to serve and perform such services as hereinafter specified.

Article III

Department of Finance and Control

Section 1. Department of Finance and Control Established:

There shall be, and is hereby created, in the Executive Branch of the State Government a Department of Finance and Control which shall consist of a Budget Division, a Purchasing Division, and an Accounting Division.

Sec. 2. Commissioner of Finance and Control Appointed and General Duties:

The Department of Finance and Control shall be in charge of a Commissioner of Finance and Control which position is hereby created and who shall be appointed by the Governor with the advice and consent of two-thirds of the Senate to serve for a two year term.

The Commissioner of Finance and Control shall be the chief financial administrative officer of the State and the chief technical advisor of the Governor and the Legislature in financial matters affecting the State, and shall be charged at all times with protecting the financial interests of the State in all matters, whether or not specifically assigned to him and shall exercise the functions, powers and duties herein provided through the Department of Finance and Control.

He shall give bond in the form prescribed by the Attorney General in the sum of \$50,000.

Sec. 3. Qualifications of the Commissioner of Finance and Control:

The qualifications of the Commissioner of Finance and Control shall include technical training and experience; experience in business and financial administration; training and experience in public organization and administrative affairs.

Sec. 4. Powers of the Commissioner of Finance and Control:

The Commissioner of Finance and Control with the approval of the Governor shall appoint a Director of the Budget Division, a Director of the Purchasing Division, and a Chief Accountant of the Accounting Division and such subordinate agents in said Division as may be necessary in the administration of the Department of Finance and Control within the limits of the appropriations that may be made for the work of the Department of Finance and Control.

With the approval of the Governor said Commissioner may require reports from any department, agency, or institution supported in whole or in part by the State, upon any matter of property or finance at any time and under such rules and regulations as he may prescribe and shall require special reports upon the request of the Governor. The information contained in such special reports shall be submitted by him to the Governor.

With the approval of the Governor said Commissioner or any agent of the Department of Finance and Control designated by him for such purpose, may enter any property of any department, board, institution, or agency affected by the provisions of this Act and may examine any of its property and any of its books, papers, plans and records, investigate its services, to determine the financial effectiveness of its policies, financial management, and the character, amount, quality and cost of the service rendered; may recommend to and assist any such department, methods and procedures and report his findings, and recommendations to the Governor. Each officer and employee of any such department, institution, board or other agency shall assist said Commissioner or his agent for the purpose of carrying out the provisions of this Act.

Said Commissioner of Finance and Control shall, on or before the first day of December, 1942, and biennially thereafter, submit a report to the Governor which shall include such facts and information concerning the operations of the Department of Finance and Control and the financial condition and operation of the State, and also his recommendations for any changes in the organization or activities of the Department of Finance and Control or agencies or departments within the State.

Said Commissioner shall after study and research make plans and recommendations in a special report to the Governor and the Legislature on all duplications, wastes, and inefficiencies in the State's organizational set up.

Said Commissioner may institute suits, in the name of the State, against any persons who have received money or property belonging to the State and have not duly accounted for it.

Sec. 5. Functions of the Department of Finance and Control:

The functions of the Department of Finance and Control shall comprise all administrative functions of the State now or hereafter authorized by law to be exercised, except as otherwise expressly provided by this Act, in relation to:

(a) General management and control of the finances and financial operation and affairs of the State.

(b) Coordination of all the procedures for financial administration and financial control so as to integrate them into an adequate and unified system, including the devising, prescribing, and installing or approving of accounting procedures for all State agencies.

(c) Formulation of financial plans and programs for approval and adoption by the Governor and the Legislature and exercising such controls as are necessary to provide for carrying out such financial plans and programs as are adopted.

(d) Accounting and fiscal reporting for the State as a whole.

(e) Purchasing or regulating purchasing for all State agencies.

(f) Supervising records of all State property, and enforcing accountability for such property.

(g) Receiving all bills as incurred under provisions of this Act from all state budget units; preparing therefrom claims on the State, showing, as to each, the account and appropriation under which the said bill has been incurred and the complicity as to the said claim with all rules, regulations and laws governing the allotting and spending of state appropriations; and transmitting the said claim to the comptroller of public accounts for issue of warrant thereon upon the treasury of the State.

Article IV

Budget Division

Section 1. Director of the Budget.

The Budget Division shall be in charge of the Director of the Budget which position is hereby created and who shall be appointed by the Commissioner of Finance and Control upon the approval of the Governor to serve for a two year term.

Said Director of the Budget shall exercise his powers and discharge his duties under supervision of the Commissioner of Finance and Control.

Sec. 2. Qualifications of Director of the Budget:

The Director of the Budget shall be qualified by technical training and education, as well as, experience in business and financial administration, to carry out the duties of preparing and executing a Budget.

Sec. 3. Functions of the Budget Division:

The Department of Finance and Control through the Budget Division shall:

(a) Keep in continuous touch with the operations, plans, and needs of the several agencies of the State, and with the sources and amounts of revenues and other receipts of the State.

(b) Appraise the quantity and quality of services rendered by each Agency, and the needs for such services or for any new services.

(c) Develop plans for improvements and economics in organization and operation of the departments, and install such plans as approved by the respective heads of agencies, or as directed by the Governor and the Governor's Cabinet.

(d) Develop, in cooperation with the several agencies, comprehensive, long-range plans for capital improvements and the means for financing them.

(e) Devise and prescribe the forms of operation reports to be required periodically from the several agencies and require the several agencies to make such reports.

(f) Edit, verify, and reduce to concise and readable form, every annual, biennial, or other report or publication of any kind proposed by any agency or officer to be printed out of public funds.

(g) Prepare the biennial budget for the Governor's approval and submission to the Legislature.

(h) Recommend transfers between appropriations in accordance with provisions of this and the Appropriation Acts.

(i) Examine and approve all statements and reports on the financial condition, and estimated future financial condition, and operations of the State Government and the several budget units before any such reports are released to the Governor, to the Legislature, or for publication; receive and deal with all requests for information as to financial condition and operations of the State; prepare such unit costs and cost statistics as may be required from time to time.

(j) Advise and assist the Governor, and the Legislature and the Appropriation Committees thereof, upon request, in any matters relating to the functions of the Budget Division.

Sec. 4. Budget Report:

The Governor, with the advice and assistance of the Commissioner of Finance and Control and the Director of the Budget, shall prepare and submit to the Legislature, not later than two weeks after his inauguration, in accordance with the Act, an Executive Budget presenting a complete financial plan for every year of the ensuing biennium.

Sec. 5. Contents of the Budget.

The executive budget shall present a complete financial plan for each fiscal year of the ensuing biennium. It shall include:

(a) A budget message signed by the Governor, giving a summary description of his proposed financial policies and plans and explaining the more important features of the proposed financial and operating programs and their expected effects on the State's finances and welfare.

(b) Summary statements of the financial condition of the State, to include: (1) a consolidated current account balance sheet showing all the current assets and liabilities of the State and the current account surplus or deficit, as the case may be, at the close of each of the two fiscal years last concluded; (2) summary statements of the condition of State funds showing, for each fund,

all its current assets and liabilities and the current account surplus or deficit, as the case may be, at the close of each of the two fiscal years last concluded; and (3) such detailed schedules of assets and liabilities, in support of the several statements of financial condition, as may be deemed necessary or desirable by the Governor.

(c) Statements of revenues and receipts for the fiscal year last concluded and the estimated revenues and receipts of the current year and each year of the ensuing biennium. The statements of revenues and estimated revenues shall be itemized by sources, by budget units and sources, and by funds and sources. The statements of receipts and estimated receipts shall be itemized by budget units and sources, and funds and sources, and shall show, separately, receipts from current revenues, receipts from refunds and reimbursements of expenditures, receipts from sale of assets, and receipts on account of the revenues of prior years, all detailed by sources. Existing sources of revenues and receipts shall be analyzed as to their equity, productivity, and need for revision, and any proposals for new sources of revenues or receipts shall be explained.

(d) A summary statement of expenditures for each of the two fiscal years last concluded, which shall be itemized by budget units under functional heads and shall show the accounts expended for each major function of government according to the standard classification.

(e) Detailed comparative statements of expenditures, and requests for appropriations, by funds, under each fund by budget units, showing the expenditures of the fiscal year last concluded, the estimated expenditures of the current year, and the requests of each budget unit and the Governor's recommendations for appropriations for each year of the ensuing biennium, all distributed according to ordinary recurring expenses of operation and maintenance, and of extraordinary expenses and capital outlays, and further classified as to cost of service, being rendered, and according to cost of the things being purchased to render the service.

(f) In connection with each capital outlay project involving construction or acquisition of property to be completed in two or more fiscal years, there shall be shown the total estimated costs of each such project and the amount thereof recommended to be appropriated and expended in each ensuing fiscal year until completion of the project.

(g) A summary statement for each fund of the cash resources estimated to be available at the beginning of the ensuing biennium, and the estimated cash receipts of each year of the biennium, as compared with the total amounts of appropriations for each year of the last completed biennium and, if the total of the recommended expenditures exceeds the total estimated resources, recommendations as to how the deficiency is to be met and estimates of receipts from any additional revenues proposed to be provided.

(h) A capital improvements program, as revised and brought down to date, including all proposed capital improvements listed in the order of their relative urgency and importance and indicating the proposed means of financing and the extent of proposed financing by each such means from year to year.

(i) A detailed statement of recommendations for appropriations for budget units.

(j) Such other information as the Governor may deem desirable or as may be required by law.

Sec. 6. Preparation of Financial Statements:

It shall be the duty of the Department of Finance and Control through the Commissioner of Finance and Control to cause to be prepared the statements required for inclusion in the Executive Budget in accordance with clauses (b), (c), (d), (e), and (f) of Section 5 of this Title, and a detailed statement, in the quadruplicate, according to the prescribed classification of expenditures of funds and budget classes, of the expenditures of each budget unit for the last two completed fiscal years. Any officer of the State charged with the duty of keeping accounts shall furnish such data, and render such assistance, as the Director of Finance and Control through the Director of the Budget may request,

in the preparation of the Executive Budget.

Sec. 7. Forms for Budget Estimates to Be Supplied to Budget Units:

It shall be the duty of the Director of the Budget, subject to the approval of the Commissioner of Finance and Control, to prescribe the forms to be used by the budget units in submitting their budget estimates and requests for appropriations in accordance with the provisions of this Act, and to promulgate such regulations as he may deem necessary for the guidance of officials in preparing such budget estimates and requests. On or before the thirtieth day of August in each even-numbered year, the Director of Budget, under the direction of the Commissioner of Finance and Control, shall transmit or cause to be transmitted to the head of each budget unit (a) at least two complete sets of the prescribed forms on which budget estimates and requests for appropriations for each year of the ensuing biennium are to be submitted, (b) a copy of the complete statement of the expenditures of such unit for the last completed fiscal year to aid the budget unit head in preparing his estimates and statements, and (c) instructions as to the preparation of each of the required statements.

Sec. 8. Budget Unit Heads to Submit Budget Estimates and Other Data on Prescribed Forms:

Each budget unit head not later than the fifteenth day of October in each even-numbered year, shall submit to the Director of the Budget estimates of the financial requirements and of the receipts of such budget unit for each year of the ensuing biennium, on the forms and in the manner prescribed, and accompanied by such other data as may be required, together with such additional information as the budget unit head may wish to submit.

Sec. 9. Continuous Financial Planning:

The Director of the Budget, under the direction of the Commissioner of Finance and Control, shall have in continuous process of preparation and revision a tentative budget for the next biennium, in the light of direct studies of the operations,

plans, and needs of budget units and of the yields of existing and prospective sources of revenue. Upon receipt of the estimates of several budget units, he shall cause them to be reviewed in relation to the information so made available and shall cause to be made such further inquiries and investigations, and such revisions of his tentative budget as he may deem warranted.

Sec. 10. Duties of the Governor and the Governor's Cabinet in Preparing the Executive Budget:

The Governor and the Governor's Cabinet, during the progress of preparation of the Executive Budget and prior to its submission to the Legislature, shall make such examinations of the statements and estimates thereof, shall make, or cause to be made by the Director of the Budget, such further investigations, and shall hold such further hearings or cause such further hearings to be held, as deemed advisable, and shall direct such changes or revisions in policy and program, and in specified details, as found and warranted.

Sec. 11. Executive Budget to Be Printed:

The Director of the Budget shall cause the Executive Budget to be printed in such number of copies as the Governor may specify. A copy shall be made available for each member of the Legislature and each budget unit head. A reasonable supply shall be provided for public distribution.

Sec. 12. Director of the Budget and Commissioner of Finance and Control to Serve Appropriation Committees:

From the time of the transmission of the Executive Budget to the Legislature until the appropriation bills shall have been finally acted upon, the Commissioner of Finance and Control and the Director of the Budget, in person or by assistants, shall stand ready to assist the Legislature and the appropriation committee, thereof, and shall assign one or more employees familiar with the contents of the Executive Budget as may be required, to the work of the appropriation committees.

Sec. 13. State Budget to Be Prepared by Director of the Budget:

After the passage of the appropriation and revenue acts, the Direc-

tor of the Budget under the direction of the Commissioner of Finance and control, shall, wholly in conformity with the appropriation and revenue acts, cause to be prepared a complete State budget for each year of the ensuing biennium. The budget so prepared shall include all the details of the financial plan for each year, as to both expenditures and means of financing, as presented in the Executive Budget, with such revisions as may be necessary to bring them into conformity with the appropriation and revenue acts and other acts to provide means of financing, and with the Legislative provisions and the rules of the Department of Finance and Control, in effect, governing administration of the budget. When the State Budget has been so prepared, the Director of the Budget shall cause it to be printed or otherwise duplicated, and copies thereof to be distributed to the heads of the budget units, and a reasonable number of copies to be kept available for public distribution.

Sec. 14. Allotments from Budget by Requisition:

No allotment from the State budget to any budget unit included therein shall become available for expenditure until such budget unit head shall have submitted to the Director of the Budget a requisition for same and until such requisition shall have been approved by the Director of the Budget.

Sec. 15. Requisition Rules and Regulations:

The Director of the Budget with the approval of the Commissioner of Finance and Control and the Governor's Cabinet shall prescribe the rules and regulations for requisitioning allotments which rules and regulations shall provide for the maximum coordination of expenditures with good business management and the income of the State, and which rules and regulations shall enable the conducting of the State's business with the maximum of efficiency and dispatch provided nothing in this Act shall be construed to impair contracts made by institutions of higher learning.

Sec. 16. Changing, Transferring and Abolishing Items and Service:

The Director of the Budget within the provisions of the law and the Appropriation Acts, may increase or decrease any requisition to handle a need provided for in the Budget, and may, with the consent of the budget unit head, transfer items of expenditure as within the budget unit. In case of appeal by the budget unit head, no change in the requisition shall be made unless by approval of the Commissioner of Finance and Control and the Governor's Cabinet.

Sec. 17. Appropriations to Revert to State Treasury-Exceptions:

(a) Except as specifically provided for in appropriation acts every appropriation or part thereof of any kind hereinafter made subject to the provisions of this section remaining unexpended and unencumbered at the close of any fiscal year shall lapse; provided, that an appropriation for construction or other permanent improvement shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned unless such appropriation has stood during an entire fiscal biennium without any expenditure therefrom or encumbrance thereon.

(b) Except as otherwise expressly provided by law, the provisions of this Act, shall apply to every appropriation of a stated sum for a specified purpose or purposes heretofore and hereafter made from the State's revenues, but shall not, unless expressly so provided by law, apply to any fund or balance of a fund derived from fees, earnings, fines, Federal grants, endowments, or other sources which are by law or the constitution permanently established or appropriated. Such fees, fines, earnings, Federal grants, endowments, however, shall be accounted for in the Executive budget estimates and in the State budget.

Article V

Purchasing Division

Section 1. Director of Purchasing:

The Purchasing Division shall be in charge of a Director of Purchasing, which position is hereby created and who shall be appointed by the Commissioner of Finance and Control upon the approval of the

Governor to serve for a two year term.

Said Director of Purchasing shall exercise his powers and discharge his duties under the supervision of the Commissioner of Finance and Control.

Sec. 2. Qualifications:

The qualifications of the Director of Purchasing shall include responsible training and experience in business and finance, as well as, experience in purchasing varied commodities for a large and complex organization.

Sec. 3. Functions of Purchasing Division:

The Department of Finance and Control through the Purchasing Division shall be responsible for or supervision of purchasing for the combined needs of the budget agencies, developing standards and specifications, supervising and controlling supply stock, and maintaining current control of portable property; shall do all purchasing or supervision of purchasing for the combined requirements of all budget units and provide for securing such supplies, materials, and equipment, including printing and advertising, insurance, electric light and power, telephone and telegraph service, by contract or otherwise, and other contractual services as can be effectively and economically purchased or provided through a central agency. The Division shall have supervision of all purchasing by the various budget units and may prescribe rules and regulations to govern purchasing by or for all such budget units.

The Purchasing Division shall be controlled by the objective of securing the greatest possible economy consistent with the grade or quality of supplies and services adopted to the purposes to be served.

Sec. 4. To Purchase Supplies and Materials:

(a) Under rules and regulations prescribed by him, the Director of Purchasing may authorize any budget unit of the State government to purchase directly specified supplies, materials, equipment and utility services; provided that in making such purchases the authorized agency shall call for bids and proceed otherwise in like manner

as herein required in case of purchases by the Director of Purchasing.

(b) Under rules and regulations prescribed by him, the Director of Purchasing may purchase or may authorize any budget unit to purchase directly any supplies, materials, equipment, or utility services for immediate use in emergencies, without calling for bids; provided, that the conditions constituting an emergency shall be defined by regulation.

Sec. 5. To Receive Competitive Bids:

(a) Except as otherwise provided by this Act, all contracts for construction or repairs and all purchases of and all contracts for supplies, materials, purchases, or rental of equipment, and utility services shall be based on competitive bids. All sales of property of the State shall be to the highest responsible bidder after advertising for bids as herein provided. Competitive bids shall not be required for utility services where no competition exists, or where rates are fixed by law or ordinance.

(b) If the amount of the expenditure or sale is estimated to exceed \$500, sealed bids shall be solicited by public notice inserted once each week for two successive weeks in a newspaper or trade journal of general circulation in the territory from which bids are likely to be received before the final date of submitting bids. The Director of Purchasing shall designate the newspaper or trade journal for such publication, and may designate different newspapers or journals according to the nature of the purchase or contract. The Director of Purchasing shall also solicit sealed bids by sending notices by mail to all prospective bidders known to him, and by posting notice on a public bulletin board in his office at least five days before the final date of submitting bids. All bids shall be sealed when received, shall be opened in public at the hour stated in the notice, and all original bids together with all documents pertaining to the award of contracts shall be retained and made a part of a permanent file or record, and shall be open to public inspection.

(c) All purchases or sales estimated to exceed in amount \$200 but not to exceed \$500 shall be made after receipt of sealed bids following at least three days' notice posted on a public bulletin board in the office of the Director of Purchasing. The Director of Purchasing shall also solicit sealed bids by mail in such cases, in like manner as hereinbefore provided.

(d) All purchases or sales the amount of which is estimated to be less than \$200 may be made either upon competitive bids or in the open market, in the discretion of the Director of Purchasing, but so far as practicable shall be based on at least three competitive bids which shall be permanently recorded.

(e) Contracts and Purchases shall in all cases be based on the standard specifications prescribed by the Director of Purchasing in accordance with this Act, unless otherwise expressly provided, and all such bids shall be accompanied by a certified check in such amount as the Director of Purchasing shall prescribe.

(f) Notwithstanding anything herein to the contrary, all contracts for the repair, improvement, maintenance, or construction of highways or highway bridges shall be advertised and let as now or hereafter provided by law for highway construction contracts.

Sec. 6. Contracts and purchases:

All contracts and purchases made by or under the supervision of the Director of Purchasing or any budget unit for which competitive bids are required shall be awarded to the lowest responsible bidder for all purchases. As to contracts other than for purchases, the budget unit head shall make the decision, subject to the approval of the Director of Purchasing. Any or all bids may be rejected, and a bid shall be rejected if it contains any alteration or erasure. The Director of Purchasing may reject the bid of any bidder who has failed to perform a previous contract with the State. A record shall be kept of all bids, with the name of bidders and amounts of bids, and with the successful bid indicated thereon. Such record shall be open to public inspection. In any case where competitive bids are required

and where all bids are rejected, new bids shall be called for as in the first instance, unless otherwise expressly provided by law.

Sec. 7. Contracts and Leases Shall be Approved by Attorney General:

All contracts and leases shall be approved as to form and execution by the Attorney General. All purchase orders shall be made on a form prescribed by the Director of Purchasing.

Sec. 8. Shall be Signed by Head of Budget Unit:

Except as otherwise herein provided, every contract shall be signed in behalf of the State or by the budget unit head, and no purchase order or contract shall be valid or effective without the approval and signature of the Director of Purchasing who shall certify thereon that the appropriation and allotment have been encumbered for the full amount of the contract liability.

Sec. 9. Not to be Interested in any Contracts:

Neither the Director of Purchasing, nor any member of his department, shall be financially interested, or have any personal beneficial interest, either directly or indirectly, in any contract or purchase order for any supplies, materials, equipment or utility services used by or furnished to any department or agency of the State, nor shall such Director of Purchasing, member of his Department, accept or receive, directly or indirectly from any person, firm, or corporation to whom any contract or purchase order may be awarded, by rebate, gift, or otherwise, any money or anything of value whatsoever, or any promise, obligation, or contract for future reward or compensation.

Sec. 10. Director of Purchasing to Establish and Enforce Standards:

The Director of Purchasing is authorized to establish from time to time to enforce standards for all supplies, materials, and equipment in common use by budget units of the State; to make or cause to be made any test, examination, or analysis necessary therefor; to require the assistance of any and all officers and departments therefor; and to classify the requirements of the various agencies of the State for purpose of

the use and application of such standard specifications.

Article VI

Accounting Division

Section 1. Chief Accountants:

The Accounting Division shall be in charge of a Chief Accountant, which position is hereby created, who shall be appointed by the Commissioner of Finance and Control upon the approval of the Governor to serve for a two year term. Said Chief Accountant shall exercise his powers and discharge his duties under the supervision of the Commissioner of Finance and Control.

Sec. 2. Qualifications:

The Chief Accountant shall be a Certified Public Accountant qualified and experienced in organizational and administrative affairs.

Sec. 3. Powers and Duties of Chief Accountant:

The Commissioner of Finance and Control through the Chief Accountant shall prescribe and cause to be installed a unified and integrated system of accounts for the State and shall maintain and keep the general control accounts of all State receipts, disbursements, assets and liabilities among which accounts may be included:

(a) A set of budgetary control accounts for each fund, comprising an account with the available cash of the fund, an account with the budget estimates of the amount of money to be derived from each source of revenue and non-revenue receipts, and account with the total of the unencumbered balance, an account with the total commitments, and an account with the estimates, cash surplus or deficit as the case may be, so as to show at all times the status of the fund.

(b) A subsidiary appropriation ledger for each fund from which appropriations are made, which shall be maintained by the department embracing an account with each appropriation, designed to show: The budget unit to which the appropriation was made; the purpose of the appropriation, the amount appropriated, additions to the appropriation, allotments for appropriation, the unallotted balance of the total amount allotted;

(c) A set of general controlling

proprietary and operating accounts for each fund, recording the transactions of the fund in summary form and showing the actual current assets, prepaid expenses, current liabilities, deferred credits to income, reserves, actual income, actual expenditures, and current surplus or deficit as the case may be;

(d) A uniform classification of the sources of revenue and non-revenue receipts;

(e) A standard classification of the budget units and their principal functions, by major functions of government;

(f) A standard classification of the expenditures of the budget units, by the activities upon which the units are engaged;

(g) A unified classification of ordinary recurring expenses, extraordinary expenses, and capital outlays, respectively, by the kinds of commodities and services involved, which shall be observed in reporting expenditures, in preparing budget estimates, and in allotting appropriations.

(h) Provision for analyzing and classifying the expenditures of all budget units by activities and by the kinds or classes of services and commodities involved;

(i) Such other accounts, records, and devices, in the Department of Finance and Control as may be deemed necessary for the production of needed information respecting the financial condition, financial operations and costs of the State.

(j) As integral parts of the unified accounting system for the State as a whole, such accounts in the several departments and other state offices and agencies as the Director deems essential to proper management; and

(k) An adequate system of fiscal reporting by the several departments and other offices and agencies to the Department of Finance and Control and by the Department of Finance and Control to the several departments and other offices and agencies, shall be so designed as to facilitate the maintenance of adequate control accounts by the Accounting Division without duplicating records and accounts as now kept in the several departments.

Sec. 4. Standard Forms for Local Government:

The Accounting Division through the Commissioner of Finance and Control shall prescribe standardized accounts for the local political subdivisions of the State, and shall prescribe and furnish to the local political subdivisions standard forms to enable better compliance with the State's Uniform Budget Law for local political subdivisions.

Sec. 5. Comptroller of Public Accounts.

The Comptroller of Public Accounts shall receive all claims, inspect and verify same in accordance with laws and regulations and shall deny payment of same and/or pay same in whole or in part in accordance with its compliance with laws and regulations by issuing of warrant on the treasury of the State of Texas. All pre-auditing powers and duties herein and above expressed are hereby vested in and delegated to the comptroller of public accounts.

Sec. 6. The Comptroller of Public Accounts is hereby authorized to keep and maintain all claims and appropriation control accounts as are necessary to carry out the provisions of Section 5 of Article VI of this Act, and as may be kept in an integrated system of accounts without duplicating other accounts and records in the Department of Finance and Control.

Article VII

State Auditor

Section 1. Office of the State Auditor Created as Agency of the Legislative Department:

It is hereby declared to be the policy of the State to provide for the independent post-auditing of the accounts and financial transactions of all spending agencies through the office of the State Auditor which is hereby created as an agency of the Legislative Department. In order that such post-auditing may be entirely independent, the office of the State Auditor shall be entirely disassociated from the administrative and executive agencies, the affairs of which it is to audit, and shall have no part in the administration of such affairs, or function in relation thereto, other than that of

auditing as herein provided, nor exercise over, or be subject to, any form or measure of supervision or control, with respect to any agency or employee thereof, except that it shall be subject to all such measures of central financial, budgetary, and personnel control in relation to its expenditures and staff as are prescribed without discrimination for all agencies. The primary purpose of audits by the State Auditor is declared to be to determine whether the spending agencies are providing such measures of financial control as are necessary to insure that income of the State is properly collected and safeguarded, that expenditures conform to the authorization made, and the requirements laid down, by the Legislature; that the public money is spent in strict accordance with the appropriations made by the Legislature; and that the Legislature is provided with information in relation to such matters. The function of the office of the State Auditor shall include, except as otherwise expressly provided by this Act, by way of extension and not of limitation, the following:

(a) Auditing the accounts of all agencies and the general accounts of the State but not those of local governments except as to the accountability of officers thereof as to money of the State and that for which the State is responsible.

(b) Investigating the means provided for, accounting for, controlling, and insuring the safe custody of all money and other property of the State, and verifying the existence and conditions of such money and other property charged to, or held in custody of, any agency.

(c) Auditing the statements of financial condition and operation of the Government of the State, examining the estimates of resources available for appropriation and the estimates of receipts, as prepared for inclusion in each biennial budget report, and certifying in writing the results of such audits and examinations with such comments as it may deem necessary for the information and guidance of the Legislature. The certificate and comments of the Auditor of State shall be included with statements and

estimates as presented in the budget reports.

(d) Laying the facts in writing, without delay, before the Governor, each member of the Audit Committee of the Legislature hereinafter provided for, the Comptroller of Public Accounts, and the Commissioner of Finance and Control, if at any time the office should discover any unauthorized, illegal, or otherwise irregular or unsafe handling or expenditure of State moneys, or other improper practice of financial administration, or evidence that any such handling, expenditure, or practice is contemplated; or if, during the conduct of any audit or investigation of any agency, it is obstructed in the performance of its duties.

(e) In the case of any audit or investigation in connection with which the office of the State Auditor deems it necessary to obtain the testimony of witnesses, under oath, or any matter or thing pertinent to the subject matter of such audit or investigation, forthwith reporting the facts in writing to each member of the Audit Committee of the Legislature, and requesting that such Committee provide for and conduct the necessary hearing.

(f) Assisting the Audit Committee of the Legislature at hearings conducted by such Committee, and cooperating with the Committee in the preparation of the Committee's reports to the Legislature.

(g) To independently serve the Legislative Appropriating Committee in analyzing the Executive Budget and in reaching determination upon same.

The office of the State Auditor shall not have any power or duties except as herein specified. It shall not be responsible for the keeping of any accounts of the State, for the adjusting and settling of any accounts, or for passing any claims for payment, for the collection of any money due the State, or for the handling or custody of any State money or other property otherwise than in the course of the audits herein provided for.

Sec. 2. Organization of the Office:

The office of the State Auditor shall consist of Auditor selected by the Audit Committee of the Legisla-

ture and such employees as may be provided in accordance with law and appropriation.

Sec. 3. Audit Reports:

Immediately upon completion of each audit and investigation made by the office of the State Auditor, a report of the findings and recommendations shall be furnished to the head of the agency to which the report pertains, one copy to the Governor, one copy to the Commissioner of Finance and Control, and one copy to each member of the Legislature, not later than the first week of each regular session of the Legislature, a report on the activities of the office, summarizing the findings and recommendations made in the reports on all findings and audits and investigations conducted since the last preceding biennial report made to the Legislature and presenting such other findings and recommendations as may be deemed desirable, and shall file a copy of each such report with the Governor, and each such report, upon being so transmitted and filed, shall be a public document.

Sec. 4. Access to Books and Records:

The State Auditor and members of the office under his authority shall have access to, and authority to examine, any and all books, accounts, reports, vouchers, requisitions, claims, contracts, correspondence files, and other records, money or other property, of any agency of the State and of any officer and any local government or other person charged with accountability for any money of the State or for which the State is responsible, and it shall be the duty of any such agency, officer, employee, or other person, having such records or property in possession or control, to permit access to them, and examination of them upon the request of the State Auditor or any agent authorized by him to make such request.

Section 5. Audit Committee of the Legislature:

(a) In order to provide contact by the Legislature through the Auditor of the State, with the administration of the affairs of the State by the Executive Department as defined by the Constitution, and in order to insure that the Auditor's reports shall receive the attention that they

merit, there shall be an Audit Committee of the Legislature of five members, consisting of three Representatives appointed by the Speaker of the House and two Senators appointed by the President of the Senate.

(b) It is hereby declared to be the policy of the Legislature that such Committee be appointed at each regular session of the Legislature and that it be made the duty of such Committee to receive and consider the reports of the State Auditor and to report to the respective Houses thereon.

(c) Each such Committee shall have authority to hold hearing in any matter reported upon by the State Auditor that in the opinion of the Committee deems investigation necessitating the compelling of witnesses to testify and the taking of testimony. The Audit Committee shall have power to sit at any time during or between sessions of the Legislature; to conduct hearings and investigations at any place in the State deemed to be advisable by such Committee; to compel the attendance and testimony of witnesses and the production of books and papers, pertinent to the matters of inquiry; to administer oaths; to punish for contempt as in district courts; to pay witnesses who appear the same as witnesses are paid in district courts; and to pay, for the necessary and actual service of subpoenas under witnesses, the fees provided by law for the service of processes in civil actions pending in district courts.

Sec. 6. Duties of Audit Committee:

It shall be the duty of the Audit Committee to make a critical review of all financial reports by the State Auditor, and of the Commissioner of Finance and Control, and each other fiscal officer of the State, and to investigate all irregularities and unsatisfactory conditions disclosed in such reports; to conduct detailed inquiries each year into the costs of the government for the two years last past; to ascertain and determine the justification for any departure in the expenditures from the budget estimates; and to make investigations of prices, rates of compensation, the necessity of expenditures, and the accounting, auditing, ex-

penditures, and revenue-control procedure of the various agencies of the State.

Article VIII Personal Division

Section 1. Purpose of Article:

It is the purpose of this Article to establish for the State a system of personnel administration based upon merit principles and scientific methods governing the appointment, promotion, transfer, layoff, removal and discipline of its employees. Except as otherwise specified, all appointments and promotions to positions in the State service shall be made on the basis of merit and fitness, to be ascertained and determined as hereinafter provided.

Sec. 2. State Civil Service Division Established:

(1) There is hereby created and established a State Personnel Division, the head of which shall be the State Civil Service Commission which shall consist of three members who shall be appointed by the Governor and the Governor's Cabinet, by and with the consent of the Senate, who shall serve for a period of six years, provided that when the Commission is created, the Governor shall designate one of the Commissioners to serve for two years, one for four years, and one shall be appointed for six years. The members shall annually elect one of their number as Chairman of the Commission. Two members of the Commission shall constitute a quorum for the transaction of business.

(2) Members of the Commission shall be persons known to be sympathetic to the merit principles of public personnel administration.

(3) Vacancies in the office of Commissioner created by death, resignation or otherwise shall be filled by the Governor for the unexpired term.

(4) Each member of the Commission shall take and file with the Secretary of State, the constitutional oath of office.

(5) No member shall hold any other lucrative or honorary office or employment under the United States or this State, except the office of notary public or a military office.

(6) The Commission shall meet at such times and places as shall be

specified by call of the Chairman or the Governor. At least one meeting shall be held in each month except in the months of July and August. All meetings shall be open to the public. Notice of each meeting shall be given in writing to each member by the Director.

(7) It shall be the duty of all officers of the State and of the several counties, towns and cities of the State to allow the reasonable use of public buildings and rooms, and to heat and light the same for the holding of any examinations or investigations provided for by this Act and in all proper ways to facilitate the work of the Commission.

(8) It shall be the duty of the respective financial authorities of the State to make adequate provisions to enable the Personnel Division to carry out and execute effectively the purpose of this Act.

Sec. 3. Duties of the Civil Service Commission.

In addition to other duties imposed upon it elsewhere in this Article, it shall be the duty of the Commission:

(1) To represent the public interest in the improvement of personnel administration in the State service.

(2) To advise the Governor and the Director on problems concerning personnel administration.

(3) After public hearing to adopt, rescind and amend rules and regulations for the administration of this Act. Notice of the contents of such rules, and of any modification thereof, shall be given in due season to all appointing officers affected thereby, and such rules and modifications shall also be printed for public distribution.

(4) To hear and determine the appeals and complaints respecting the administrative work of the Personnel Division, and other matters as may be referred to the Commission by the Director.

(5) To make such investigations as may be requested by the Governor or the Legislature or on its own motion and to report thereon.

(6) To examine and approve or modify the biennial report prepared by the Director and submit such report to the Governor on or before the first day of December of each

even numbered year, transmitting therewith any suggestions it may approve for the more effectual accomplishment of the purposes of this Act.

Sec. 4. Personnel Director:

The Commission shall appoint a Personnel Director. Such Director shall be a person competent, trained and experienced in the field of personnel administration and thoroughly in sympathy with the application of merit and sound business principles in the administration of the personnel. The Director, subject to the approval of the Commission, shall direct and supervise the administrative work of the Personnel Division.

In case of death, resignation, removal, absence or incapacity of a Commissioner, the Director shall perform the duties of such Commissioner until such absence or incapacity shall cease or a new appointment under the provisions of this Act shall be made. As Acting Commissioner he shall have all the powers of a Commissioner.

Sec. 5. Rules and Regulations:

The Director, in consultation with the Civil Service Commission, shall prepare and recommend rules and regulations and amendments thereto for the administration of this Article, which shall become effective upon the approval of the Commission. He shall administer all such approved rules and regulations. Such rules and regulations shall be open to public inspection at the office of the Personnel Director.

Sec. 6. Administrative Powers and Duties:

In the manner herein provided, the Director shall test and pass upon the qualifications of applicants for appointment to or promotion in the State Classified Service; establish employment and reemployment lists for the various classes of positions; upon request from appointing authorities or indications of the need for additional employees, shall certify the names of persons eligible for employment or reemployment; shall devise, install and administer service-rating systems; shall devise plan for and cooperate with appointing authorities and other supervising officials in the conduct of employee training programs to the end that

the quality of service rendered by persons in the Classified Service may be continually improved; shall conduct research into personnel standards, methods of selection, testing techniques, service ratings and other problems of personnel administration; shall arrange for and, in cooperation with appointing authorities, effect transfers; shall regulate annual, sick and special leaves of absence, hours of work and attendance in accordance with the provisions of this Article and of any established rules and regulations relating thereto; and shall see that all promotions, lay-offs, demotions, suspensions, removals, and retirements are made in accordance with the provisions of this Article.

(1) The Director shall recommend to the Commission such rules as he may consider necessary, appropriate, or desirable to carry out the provisions of this Act, and may from time to time recommend amendments thereto. When such rules or amendments are recommended by the Director, the Commission shall hold a public hearing thereon, and shall have power to approve or reject the recommendations of the Director wholly or in part or to modify them and approve them as so modified. The first rules hereunder shall be recommended by the Director within three months after his appointment. Thereafter the Commission shall have power to propose amendments or additions to the rules on its own initiative, after holding a public hearing thereon. Changes in the rules so initiated by the Commission shall be submitted to the Governor and shall become effective when approved by him or on the tenth day after they are submitted to him if prior thereto he shall not have rejected them.

(2) Rules adopted under this Section shall provide for the method of administering the classification plan and the pay plan; the establishment, maintenance, consolidation and cancellation of lists; the charges, if any to be made for receipts of applications or admission to tests, the applications of service ratings, the hours of work, attendance regulation, and leaves of absence for employees in the Classified Service; and the order and manner in which

lay-offs shall be effected. Such rules may include any provisions relating to State employment, not inconsistent with the laws of the State, which may be necessary or appropriate to give effect to the provisions and purposes of this Act.

(3) The powers herein conferred upon the Director shall be subject only to the provisions of this Act and of the rules adopted hereunder, and may be exercised by regulations or by order as the Director sees fit. His powers and duties shall not be limited or restricted by the authorization to adopt rules, except to the extent that rules are adopted thereunder.

Sec. 7. Unclassified Service and Classified Service:

The Civil Service of the State shall be divided into the Unclassified Service and the Classified Service.

(1) The Unclassified Service shall consist of the following:

(a) Officers elected by popular vote and persons appointed to fill vacancies in elective offices.

(b) Officers and employees of both houses of the Legislature.

(c) One executive secretary and three other confidential employees of the Governor's office.

(d) Members of boards and commissions, State officials and heads of departments appointed by the Governor.

(e) Officers and employees for which the Constitution specifically directs the manner of appointment.

(f) One principal assistant or deputy and one private secretary for each board or commission or head of a department.

(g) Such Assistant Attorney General and special attorneys as may be appointed by the Attorney General.

(h) All officials and employees of State colleges and universities, provided: By appropriate resolution of the governing board of any such institution certain classes of positions in such institutions may become a part of the Classified Service of the State, whereupon such employees shall in all respects be subject to the provisions of this Act.

(i) Members of the military or naval forces when entering or while engaged in the military or naval service.

(j) Officers and employees of courts of record, including receivers, commissioners, special masters, referees, court reporters, arbitors, jurors, judges, and persons appointed by a court to make or conduct any special inquiry of a judicial or temporary character, persons appointed to execute any process or order of court and Notaries Public.

(k) Patient or inmate help in State charitable, penal and correctional institutions.

(2) Persons employed in a professional or scientific capacity to make or conduct a temporary and special inquiry, investigation or examination on behalf of the Legislature or a committee thereof, and by authority of the Governor: and such persons employed by or on behalf of any other agency of the State; provided in the last instance inclusion of such persons in the Unclassified Service is approved by the Director.

(3) The Classified Service shall include all other public officers and employees and all officers and places of employment in the State service, nor or hereafter created, and all appointments, employments, removals, promotions, transfers, lay-offs, reinstatements, suspensions, leaves of absence and changes in grade, compensation or title in the classified service shall be made and permitted only as prescribed in this Act and not otherwise.

Sec. 8. Examinations. Character:

Examinations may be written, oral, physical, assembled, unassembled, or in the form of a demonstration of skill or any combination of these, and shall be of a character and shall relate to matters which fairly test and determine the qualifications, fitness and ability of the persons tested to perform the duties of the class or position to which they seek appointment. Any investigation of qualifications and experience and any tests of intelligence, which, in the opinion of the Director, serve to determine such qualifications, fitness and ability may be employed. Examinations shall be formulated in cooperation with agencies appointing specific classes of employees. Such examina-

tions shall be competitive, free and except as otherwise provided, open to all persons who are qualified citizens of the United States and who have been a resident of Texas for two years, who may be lawfully appointed to any position in the class for which they are held with such limitations as to age, residence, health, habits, character, sex and other qualifications as may be considered desirable by the Director and specified in the public announcement of the test.

Sec. 9. Examinations. Conduct of:

Examinations shall be conducted by the Director or under his direction by a duly authorized agent. In giving examinations for positions in the Classified Service, the Director may obtain the assistance of other persons not on the regular staff of the Personnel Division, either within or without the Classified Service. When such persons are in the State service, it shall be deemed a part of their official duty to act as examiners without extra compensation.

Sec. 10. Examinations. Rejection of Applications:

The Director may reject the application of any person for admission to a test for establishing an employment list for the Classified Service or refuse to test any applicant or to certify the name of any eligible for such service who is found to lack any of the established qualifications for the position for which he applies or for which he has been tested, or who is physically unfit to perform effectively the duties of the position in which he seeks employment, or who is addicted to the habitual use of drugs or intoxicating liquors, or who has been guilty of any crime or infamous or disgraceful conduct, or who has been dismissed from the public service for delinquency, incompetency, misconduct or neglect of duty, or who has made a false statement of any material fact or practiced or attempted to practice any deception or fraud in his application, in his tests or in securing his eligibility or appointment.

Section 11. Classification Plan:

(1) The Director shall ascertain the duties, authority and responsi-

bilities of all positions in the Classified Service. Within one year after the effective date of this Act, and after consultation with the appointing authorities, he shall prepare and recommend to the Commission a classification plan, which shall group all positions in the Classified Service in classes, based on their duties, authority and responsibilities. The classification plan shall set forth, for each class of position, a class title and a statement of the duties, authority and responsibilities thereof.

(2) The Director shall also prepare a statement of the minimum qualifications for each class of position in the Classified Service.

Sec. 12. Allocation:

As promptly as practicable after the adoption of the classification plan, and after consultation with appointing authorities, the Director shall allocate each position in the Classified Service to the appropriate class therein on the basis of its duties, authority and responsibilities. Any employee affected by the allocation of the position to the class shall, after filing with the Director a written request for reconsideration thereof, be given a reasonable opportunity to be heard thereon.

Sec. 13. Examinations: Notices and Ratings:

All persons competing in any tests shall be given written notice of their final earned ratings, and of their relative standing upon the eligible lists or of their failure to attain a place upon such lists. The papers, markings and other items used in determining the final earned ratings shall be open to public inspection, subject to such conditions as the Director may by rule prescribe.

Sec. 14. Appointments in Civil Service:

(1) All vacancies in the Classified Service shall be filled either by original appointment, temporary appointment, reemployment, promotion, transfer or demotion. The Director shall advise appointing authorities, in writing, as to which of these methods should be employed in each instance, but the final decision is left with the appointing authority. After the taking effect of this Act, no vacancy shall be

filled nor any person appointed to a position in the Classified Service except in accordance with the provisions of this Act.

(2) Whenever a vacancy exists in any position in the Classified Service which the appointing authority has decided to fill by an original appointment, the appointing authority shall submit to the Director, in accordance with the rules therefore prescribed, a statement of the duties of the position, the necessary and desired qualifications of the persons eligible for appointment to the position. If the Director has an eligible list which he deems to be appropriate for the class in which the position is established, he shall immediately certify to the appointing authority for each vacancy to be filled the name of three persons standing highest on the register, who have been determined by the Director to be available for appointment, if there be as many as three names thereon, or all of such names on the register if there are fewer than three. The appointing authority shall appoint one of the persons so certified to one class to another position in a event that he has fewer than three persons to choose between he may in the absence of any other eligibles provided by this Act, elect instead to make a temporary appointment of some other persons as hereinafter provided. In the event that there does not exist an eligible register which the Director deems to be appropriate for the class in which the position is established, he shall proceed to prepare such an appropriate register so that qualified persons may be certified as eligible for appointment not later than ninety days after the receipt of the request of the appointing authority that eligibles be certified.

(3) Whenever it is not possible to certify eligible persons for original appointment to vacancies in the Classified Service because no appropriate eligible register exist, or whenever there are fewer than three persons eligible and available for appointments, the appointing authority may nominate a person to the Director, and if such nomination is found by the Director to have had experience and training which appear to

qualify him for the position, he may be temporarily appointed to fill such vacancy only until an appropriate eligible register can be established and appointment made therefrom. In no event shall a temporary appointment be continued for more than ninety days. Successive temporary appointments shall not be made, not more than one temporary appointment shall be made to any position within the same twelve months; and no person shall serve in the Classified Service under temporary appointment for longer than ninety days in any twelve month period. In cases of an emergency an appointment shall be immediately reported to the Director. Such an emergency appointment may not be extended.

(4) When a vacancy exists which the appointing authority has decided to fill by re-employment, the appointing authority shall submit to the Director in such form as may be prescribed, request that the Director certify to him the names of persons eligible for re-employment in positions in the class in which the vacancy position is established. The Director shall immediately certify to the appointing authority the names of the three highest persons on any re-employment register which the Director deems to be appropriate. The appointing authority may then appoint one of the persons to be certified, or may instead elect to make an original appointment, in which event the procedure for original appointment herein provided shall be followed.

(5) Whenever there is a vacancy in the Classified Service which the appointing authority has decided to fill by promotional appointment, the appointing authority shall submit to the Director, in such form as may be prescribed, a request that the Director certify to him the names of persons eligible for promotion to the class in which the vacant position is established. The Director shall, within a reasonable time thereafter, certify to the appointing authority the names of the three persons having the highest final determined ratings in competitive tests conducted by the Director, or by persons designated by him, and open only to persons holding positions in classes lower than those in which the vacancy

exists. The improved service ratings herein provided shall constitute a factor in such competitive tests. The appointing authority may appoint one of the persons so certified to the position or may instead elect to make an original appointment in which event the procedure for original appointment herein provided shall be followed. Nothing contained in this Section shall be construed to prevent any employee of the Classified Service from competing for places upon the register of persons eligible for original appointment.

(6) Appointments shall be regarded as taking effect upon the date when the person certified for appointment reports for duty. Acceptance or refusal of temporary appointment or of any appointment to a position exempt from the provisions of this Act shall not affect the standing of any person on the list for permanent appointment.

(7) To enable appointing officers to exercise a choice in the filling of positions, no appointment, employment or promotion in any position in the Classified Service shall be deemed complete until after the expiration of a period of three months to one year's probationary service, as may be provided in the rules of the Director, during which the appointing officer may terminate the employment of the person certified to him, if during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing officer deems him unfit or unsatisfactory for service in his department. Whereupon the appointing officer shall appoint one in accordance with the provisions of this Act.

(8) No person shall be appointed, transferred, removed, reinstated, promoted or reduced as an officer, clerk, employee, or laborer, in the Classified Service of the State in any manner or by any means other than those prescribed by this Act.

(9) When any position to be filled involves fiduciary responsibility, the appointing officer, where otherwise permitted by law, may require the appointee to furnish bond or other security conditioned as he may prescribe, and shall notify the Director of the amount and other de-

tails thereof. Any surety company authorized to do business in this State shall be a sufficient security of any such bond.

Section 15. Transfers: Demotions:

(1) The Director may at any time authorize the transfer of any employee in the Classified Service from one position to another position in the same class and not otherwise; provided, that persons who are holding positions under temporary or emergency appointments under the provisions of this Act shall not be entitled to transfer. Transfers shall be permitted only with the consent of the Director and the appointing authorities concerned, except as hereinafter provided.

(2) Any appointing authority may demote a classified employee under his jurisdiction from a position to one class to another position in a lower class, subject to rules therefor prescribed by the Commission and with the approval of the Director. In every such case the appointing authority shall give the Director written notice of his intention to effect the demotion not less than fifteen days before the date it is intended to become effective. The Director shall make such investigation of the circumstances as he may consider necessary and then, not later than ten days after the receipt of the notice of intention to demote the employee, shall either approve the demotion or approve the transfer of the employee to a position under the jurisdiction of an appointing authority other than the one intending to effect the demotion. A transfer under such circumstances shall be approved by the Director and the appointing authority having jurisdiction over the position to which the employee is to be transferred but not necessarily by the appointing authority intending to effect the demotion.

Sec. 16. Re-employment lists. Establishment:

Whenever any employee of the State Classified Service who has been performing his duties in a satisfactory manner as shown by the records of the department, agency, or institution in which he has been employed is separated from his office or position because of lack of work, econ-

omy, insufficient appropriation, change in departmental organization, abolition of position, or any cause other than delinquency, incompetency, misconduct, or neglect of duty, or under other provisions of this Article, or whenever any such employee has been on authorized leave of absence and is ready to report for duty when a position is available, or whenever any such employee has resigned in good standing with the consent of the appointing authority under whose jurisdiction he was employed and has withdrawn his resignation within one year without being restored to his position, the Director shall cause the name of such employee to be placed on the reemployment list for the appropriate class for which he has qualified for future re-employment when vacancies in the class exist. The order in which names shall be placed on the re-employment list for any class shall be established by rules of the Personnel Director.

Sec. 17. Salary Standards:

(1) The Director shall recommend standard salary ranges for all positions and employments in the Classified Service of the State.

(2) Immediately after the organization of the Committee on Appropriations of the House and the Committee on Finance of the Senate in each regular session of the Legislature, the Director shall recommend to such Committees the following:

(a) The standard salary ranges for the various grades and classes of positions in the Classified Civil Service.

(b) Recommendations, based upon experience in recruiting the service, data collected as to rates of pay for comparable work in other public services in the commercial and industrial establishments and any special studies carried on as to the need for changes in the compensation schedule of any grade and class or group of classes.

(c) Any other matters that seem pertinent in developing and administering a compensation plan for the Classified Service which takes proper account of prevailing market rates, costs, and standards of living, the State's employment policies, and the State's financial resources and needs.

(3) The salary ranges adopted by the Legislature shall constitute

the State's official compensation plan for positions in the Classified Service.

Sec. 18. Appointments, Present Employees:

Persons holding positions in the Classified Service upon the effective date of this Article shall be deemed to be holding said positions temporarily for a period of not more than one year from said date, during which period the Personnel Director by qualifying examinations shall determine the fitness of such persons for the positions which they hold. Any incumbent who during said probationary period fails to pass such an examination shall be dismissed. Any vacancy caused by such a dismissal shall be filled in the manner provided in this Article.

Sec. 19. Recommendations:

In case of a vacancy in a position in the competitive division where peculiar and exceptional qualifications of a scientific, professional, or educational character are required, and upon satisfactory evidence that for specified reasons competition in such special cases is impracticable, and that the position can best be filled by the selection of some designated person of high and recognized attainments in such qualifications, the Director may suspend the provisions of the law requiring competition in such cases, but no suspension shall be general in its application to such place, and all such cases, suspension shall be reported in the final report of the Director with the reasons for the same.

Sec. 20. Certification of Payrolls:

(1) No officer of the State shall approve the payment of, or be in any manner concerned in paying, auditing, or approving any salary, wage or other compensation for services to any person holding a position in the Classified Service unless such person has been certified by the Personnel Director. The Director shall refuse to certify the pay of any public officer or employee who shall wilfully or through culpable negligence violate or fail to comply with the provisions of this Act or of the rules of the Commission.

(2) Any officer, clerk, employee, or other person entitled to be certified by said Director to any fiscal

or disbursing officer of the State as having been appointed or employed in pursuance of law and the rules made pursuant thereto, and refused such certification, may maintain in one of the district courts of Travis County an action of mandamus to compel the Director to issue such certificate.

(3) Any sums paid contrary to the provisions of this Act may be recovered from any officer or officers making such appointments in contravention of the provisions of the law or of the rules made in pursuance of law, or from any officer signing or countersigning or authorizing the signing or countersigning of any warrant for the payment of the same or from the surety of an official bond of any of said officers, in any action in the district courts of this State, maintained by the Director, or by a citizen and taxpayer resident therein.

Sec. 21. Service Ratings. Training Programs:

(1) The Director shall by rule prescribe standards of efficiency for each class or group of classes or positions in the service and shall prescribe a plan of service ratings based upon such standards and he shall make and keep a record of the relative efficiency of all persons in each class. He shall provide methods for ascertaining and verifying the facts from which such records of relative efficiency shall be made, which shall be uniform for each class.

(2) The Director shall cooperate with the appointing authorities and other supervising officials in the conducting of employee training programs to the end that the quality of service rendered by persons in the Classified Service may be continually improved.

Sec. 22. Removals; Suspensions; Resignations; Lay-offs:

(1) Any appointing authority may dismiss a subordinate for any cause which will promote the efficiency of the Service, upon filing with the Director, with a copy to the employee, written reasons for such action on or before the effective date of such removal. The dismissed employee shall have an opportunity to answer the charges in writing within ten days, and to file with the Director affidavits in support of such an-

swer. All papers filed in the case shall be subject to inspection of the persons affected. Such action of the appointing officer shall be final and not reviewable in any court, except that the Director may reinstate an officer or employee so removed only in case it appears after a proper hearing that the removal was made for political or religious reasons.

(2) Any appointing authority, for cause, may suspend a subordinate for a reasonable period not exceeding thirty days without pay.

(3) Any person who has resigned in good standing from the Classified Service and whose resignation has been accepted may, at his request submitted not later than one year after the date of his resignation, have his name placed on the appropriate reemployment register.

(4) An appointing authority may upon written notice to the Director, lay off a Classified employee whenever he deems it necessary because of a material change in duties or reorganization or shortage of work or funds, in accordance with rules prescribed by the Director. Such rules, governing lay-offs, shall give major emphasis to the merit fitness of the individual employees as reflected in the service ratings, reporting on his value to the service.

Sec. 23. Survey of Existing and New Positions:

As soon as practicable after this Act takes effect, the Director shall make an investigation as to the need for every existing position in the Classified Service of the State, and shall report his findings, together with his recommendations to the Commission. There shall be included in such report recommendations as to the most effective means of discontinuing positions which are not needed in carrying on the work of the State and of the best methods for providing for the incumbents of such positions by promotion, transfer, demotion, retirement, removal, or otherwise, so as to avoid as far as practicable, undue hardships. Upon the adoption by the Commission of any plan based upon a report of the Director as aforesaid the same shall be submitted to the Governor and at his direction shall be put into effect in cooperation with departmental authorities:

Sec. 24. Holidays; Hours of Work; Attendance and Leaves:

The Director shall prepare, and after approval of the Commission and the Governor shall administer regulations regarding holidays, hours of work, attendance and annual sick and special leaves of absence with or without pay for employees in the Classified Service.

Sec. 25. Federal Funds and Assistance:

Wherever the provisions of any law of the United States, or of any rule, order or regulation of any Federal Agency or authority, provided for administering Federal funds for use in Texas, either directly or indirectly or as a grant-in-aid, or to be matched or otherwise impose civil service or merit standards or different classifications than are required by the provisions of this Act, then the provisions of such laws, classification, rules or regulations of the United States or any Federal Agency shall be adopted by the Commission as rules and regulations of the Commission, and shall govern the class of employment and employees affected thereby, anything in this Act to the contrary notwithstanding.

Sec. 26. Political Activity:

(1) No person holding an office or place in the Classified Civil Service under the provisions of this Act shall seek or accept election, nomination or appointment as an officer of a political club or organization or take an active part in the political campaign or serve as a member of a committee of any such club or organization or circulate or seek signatures of any petition provided for by any primary or election law or act as a worker at the polls, or distribute badges, colors or indicate favoring or opposing a candidate for election or nomination to public office, whether Federal, State, county or municipal; provided, however, that nothing in this Act shall be construed to prohibit or prevent any such officer or employee from becoming or continuing to be a member of a political club or organization or from attendance upon political meetings, from enjoying entire freedom from all interference in casting his vote, from seeking or ac-

cepting election or appointment to public office.

(2) No person holding a position in the Classified Service shall directly or indirectly solicit or receive or be in any manner concerned with soliciting or receiving any assistance of subscriptions or contributions for any political party or any political purpose whatever, in either primary elections or general elections.

(3) No person shall orally or by letter, or otherwise, solicit or be in any manner concerned in soliciting any assistance, subscription, or support for any political party or candidate or any political purpose whatever from any person holding any position in the Classified Civil Service.

(4) No officer or employee of the State shall discharge or demote or promote or in any manner change the official rank or compensation of any officer or employee in the Classified Service of the State, nor promise or threaten to do so, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any party, partisan or political purpose or for refusal or neglecting to render any party, partisan or political service during any political campaign or at any other time.

(5) Violation of the provisions of this Section shall be adequate grounds for dismissal, and in addition thereto such person shall be subject to penalties prescribed for violation of any of the provisions of this Act.

Sec. 27. Services to Political Subdivisions:

Subject to the rules, the Director may enter into agreements with any municipality or political subdivision of the State to furnish services and facilities of the Department to such municipality or political subdivision in the administration of its personnel or merit principles. Any such agreement shall provide for the reimbursement to the State of the reasonable cost of the services and facilities furnished, and determined by the Director. All municipalities and political subdivisions of the State are hereby authorized to enter into such agreements.

Sec. 28. Duties of State Officers and Employees:

All officers and employees of the State shall comply with, and aid in all proper ways in carrying out the provisions of this Act and the rules, regulations and orders thereunder. All officers and employees shall furnish any records or information which the Director of the Commission may request for any purpose of this Act.

Sec. 29. Unlawful Acts Prohibited:

(1) No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provision of this Act or in any manner commit or attempt to commit any fraud preventing the impartial execution of this Act and the rules.

(2) No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in a position in the Classified Service.

(3) No employee of the Department, examiner, or other person shall defeat, deceive or obstruct any person in his right to examine, eligibility certification or appointment under this Act, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the Classified Service.

Section 30. Penalties:

(1) Prosecution for violation of this Article may be instituted either by the Attorney General, the District Attorney, or other public prosecuting officer for the County in which the offense, or some part thereof, is alleged to have been committed, or at the election of the Director by special counsel appointed by it.

(2) Whenever the Attorney General, District Attorney, or other prosecuting officer for the County in which an offense under this Act is alleged to have been committed, shall refuse to prosecute any person alleged to have committed such an offense, or shall fail to prosecute

such person after the lapse of thirty days after the alleged offense is brought to his attention, then any taxpayer may apply to any Judge of a Court of Record in such County for the appointment of a special attorney to conduct a prosecution of such person or persons, and upon such application the court may appoint some competent attorney to prosecute the person or persons alleged to have committed the offense, and the special attorney so appointed shall have the same power and authority in relation to any such prosecution as the Attorney General, the District Attorney, or the prosecuting officer would or might have had if such special attorney had not been appointed.

Article IX

Commissioner of Institutions

Section 1. Commissioner of Institutions Created:

A Commissioner of Institutions which position is hereby created shall be appointed by the Governor with the advice and consent of two-thirds of the Senate for a term of two years.

(a) Duties:

The Commissioner of Institutions shall have and exercise all functions of the State Government in relation to the conduct and management of the State's eleemosynary institutions, including such functions as the care, custody, treatment and relief of the sick, dependent, the defective and the delinquent as heretofore exercised by the Board of Control and not otherwise contrary to law.

(b) The Commissioner of Institutions subject to the statutes, rules and regulations governing the employment of State employees, shall appoint and discharge the Superintendents, physicians, officers, supervisors, and other employees of said institutions.

The Commissioner of Institutions shall employ such deputies, specialists and other employees who shall serve under his direction and authority, and subject to law, shall organize the personnel who shall work under his charge in such manner as he deems most efficient.

(c) Superintendent's Qualifications:

Each Superintendent shall have special training and practical experience in the management of the class of persons committed to his charge.

(d) Oath of Office:

Each Superintendent shall take the official oath and within twenty days after receiving notice of appointment enter into bond in the sum of ten thousand dollars, payable to the State of Texas, to be approved by the Governor, and conditioned for the faithful performance of all the duties of said office. Such bond and oath shall be filed in the office of the Comptroller, and shall not become void on first recovery thereon, but may be sued upon until the full penalty is recovered.

Sec. 2. Management of Public Buildings:

The Commissioner of Institutions shall have the supervision, care and control of the buildings and grounds of the State Capitol including the upkeep of lawns, grounds, sidewalks, roads and paths, the cultivation of the gardens and the operation of hothouses, the operation of elevators; and the services of porters, watchmen, guards, and guides, and shall be responsible for all equipment and furnishings in public rooms, corridors and rotunda of the Capitol, and the care of historic sites, monuments and cemeteries as heretofore vested in the Board of Control. But all expenditures and outlays for such purposes shall be in accordance with the provisions of fiscal control as set forth in this Act.

Article X

General Provisions

Section 1. Transfer of Powers:

The following functions heretofore vested in any existing agency, together with papers, books and records are hereby transferred to and vested in the Department of Finance and Control:

(a) All functions of the State Board of Control in relation to public printing, purchasing, accounting, estimates and appropriations.

(b) All functions of the State Auditor and Efficiency Expert in relation to current auditing of claims, designing forms, investigating the activities of departments with respect to efficiency of personnel and

duplication of efforts and need for positions; and designing uniform systems of accounting.

(c) All other functions together with papers, books, and records heretofore vested in each such agency, and in every other agency, not specifically mentioned herein, in relation to any matter hereby assigned to and vested in the Department of Finance and Control.

All functions together with papers, books and records heretofore vested in the Board of Control which are not assigned to and vested in the Department of Finance and Control are hereby assigned to and vested in the Commissioner of Institutions. The Board of Control is hereby abolished.

Sec. 2. Transfer of Employees:

All employees heretofore engaged in the performance of duties, in any agency, in the exercise of functions transferred by this Act to another agency, shall be transferred with such functions to the agency succeeded thereto and shall, so far as practicable, continue to perform the duties theretofore performed, subject to all other provisions of law in effect respecting terms of office, removal for cause, eligibility for transfer, promotion, and other changes in employment status, and subject also to any provisions of law respecting the powers of any office to discontinue unnecessary positions or to alter the duties of positions. Where the duties of any employee are divided between the functions of two or more agencies, the agency to which the employee shall be transferred shall be determined by the Commissioner of Finance and Control.

Sec. 3. Laws Repealed:

House Bill No. 170, Chapter 91, of the Acts of the First Called Session of the Forty-first Legislature of the State of Texas, 1929 be and the same is hereby repealed. Sections 1 to 9, both inclusive, of Chapter 206 of the Acts of the Regular Session of the Forty-second Legislature, same being House Bill No. 768 be and the same is hereby repealed. All laws and parts of laws and administrative rules and regulations, inconsistent or in conflict with the provisions of this Act are hereby repealed, but the added provisions of this Act shall be held to be cumulative of all exist-

ing provisions of law relative to the subjects to which it relates not in conflict herewith.

Sec. 4. Violations of Act Punishable as Misdemeanor:

Any person who shall violate any provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment in the County Jail for not more than six months, or by both such fine and imprisonment.

Sec. 5. Constitutionality:

If any part of this Act shall be held to be unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act had such part been omitted.

Sec. 6. Time of Going into Effect:

This Act shall be in full force and effect on and after September 1, 1941, or as provided by the Constitution, except as otherwise expressly provided therein and with respect to specified provisions thereof. But existing agencies of the State, notwithstanding the provisions of this Act, may continue to operate under the provisions of law in effect at the time of adoption of this Act, until such time, not later than the first day of January in the year nineteen hundred and forty-two, as the Governor, on the recommendation of the Commissioner of Finance and Control, approved by the Governor's Cabinet, by general or special executive order shall declare that all the necessary provisions have been made for placing the provisions of this Act in full effect as to the agency or agencies specified in such order.

Sec. 7. Emergency Clause:

The fact that under the existing law there is no coordination of fiscal control of State departments, institutions, and other agencies and the further fact that due to the lack of such control, much waste and inefficiency results, creates an emergency, and an imperative public necessity, that the Constitutional Rule requiring that bills be read on three several days in each House and the further Constitutional Rule as to the time when laws take effect be suspended, and each of them is here-

by suspended, and this Act shall take effect and be in full force and effect from and after its passage, and it is so enacted.

Mr. Lowry moved that the House recess until 7:30 o'clock p. m. today.

The motion to recess was lost.

Mr. Duckett moved to postpone further consideration of House Bill No. 42 until 11:00 o'clock a. m. next April 22.

Mr. Humphrey moved to table the motion to postpone.

The motion to table prevailed.

(Pending consideration of H. B. No. 42, Mr. Little occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Alsup moved to postpone further consideration of House Bill No. 42 until 10:00 o'clock a. m. next April 22.

The motion prevailed.

MOTIONS TO PLACE HOUSE BILL NO. 60 ON SECOND READING

Mr. Heflin moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 60, A bill to be entitled "An Act empowering the Board of Insurance Commissioners to prescribe maximum rates of commissions or other remuneration which may be paid to local recording agents by insurance companies; defining the term 'local recording agent'; regulating the time and manner in which the Board shall prescribe maximum commissions; prohibiting the paying or receiving of commissions greater than as fixed by the Board; providing penalties; providing notice and hearing before the entering of orders by the Board and for access to the courts; providing that if any part of this Act is held unconstitutional, it shall not affect the validity of the remainder; repealing laws in conflict; and declaring an emergency."

The motion was lost.

Mr. Isaacks moved that the regular order of business be suspended to take up and have placed on its

second reading and passage to engrossment, House Bill No. 60.

The motion was lost.

HOUSE BILL NO. 627 ON SECOND READING

Mr. Hughes moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment, House Bill No. 627.

The motion prevailed.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 627, A bill to be entitled "An Act to amend Section 12 of House Bill Number 821, Chapter 462, page 1144, Regular Session of the Forty-fifth Legislature, as amended by House Bill Number 102, Chapter 41, page 1924, Second Called Session of the Forty-fifth Legislature, as amended by House Bill Number 834, Chapter 1, page 427, Regular Session of the Forty-sixth Legislature, and to add thereto seven new sections to be known as Sections 23a, 23b, 23c, 23d, 23e, 23f and 23g; to authorize housing authorities to acquire by the exercise of the power of eminent domain any interest in real property; to create housing authorities for counties; to provide for the creation of regional housing authorities; to authorize the undertaking of housing projects for farmers of low income; and declaring an emergency."

The bill was read second time.

Question: Shall House Bill No. 627 pass to engrossment?

TO GRANT PERMISSION TO SUE THE STATE

Mr. Little offered the following resolution:

H. C. R. No. 89, To Grant W. D. Muncy and Wife permission to Sue the State.

Whereas, During the year 1929, the State of Texas, by and through the State Highway Department, entered upon the construction and improvement of State Highway No. 9, located in Randall County, Texas, which construction, development and improvement of said highway con-

tinued up to and including the year 1939; and

Whereas, Said construction, improvement and development of said highway was made in such manner that it is alleged caused an overflow, washing away of the soil, and other permanent damage to the lands owned by W. D. Muncy and wife, Flora K. Muncy, which land as owned by said Muncy was located and situated in Randall County, Texas; and

Whereas, The said W. D. Muncy and wife, Flora K. Muncy, desire to file suit against said State of Texas to recover said alleged damages; now, therefore, be it

Resolved, by the House of Representatives of the State of Texas, the Senate concurring, That the said W. D. Muncy and wife, Flora K. Muncy, their heirs, executors, administrators, and assigns are hereby granted permission to bring suit against the State of Texas and/or the State Highway Department, on account of such alleged damages as aforesated, in any court of competent jurisdiction in Randall County, Texas, in order to determine what compensation, if any, they are entitled to receive by reason of said alleged damages, and in case suit is filed that the service, citation or any other service or process be had upon the Chairman of the State Highway Commission and/or the Attorney General of the State of Texas, and have the same force and effect as provided in civil cases, and provided further that either party after judgment may appeal as provided by law in like cases; and it is so resolved.

The resolution was read second time and was referred by the Speaker to the Committee on State Affairs.

ADDITIONAL SIGNER OF HOUSE BILL

By unanimous consent of the House, the following Member was authorized to sign bill as coauthor of same, as follows:

Mr. Duckett: H. B. No. 25.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions

had been read severally, the following enrolled bills:

S. B. No. 220, "An Act granting the Commissioners' Court of counties having a population of not less than twenty-four thousand three hundred (24,300) nor more than twenty-four thousand three hundred sixty (24,360) according to the last preceding Federal Census, and having a permanent school fund, permission to transfer the administration, investment, and care of the permanent school fund of counties to the County Board of Education; etc., and declaring an emergency."

S. B. No. 143, "An Act amending Article 768 of the Code of Criminal Procedure of the State of Texas of 1925, etc., vesting in trial judges discretionary authority to credit defendants in criminal cases with the time spent in jail awaiting trial, etc., and declaring an emergency."

S. B. No. 278, "An Act amending Article 2702, Revised Civil Statutes of Texas, 1925, as amended by Section 1, Chapter 348, Acts of the 42nd Legislature, providing that in counties having a population of not less than eight thousand six hundred (8,600) nor more than nine thousand (9,000) according to the last preceding Federal Census, an election may be ordered as otherwise provided herein, to determine whether or not said county shall adopt the county unit system of education; and declaring an emergency."

S. B. No. 198, "An Act to amend Article 4522 of the Revised Civil Statutes of Texas, 1925, providing for the use of the letters 'R. N.'; etc., and declaring an emergency."

S. B. No. 262, "An Act authorizing Independent School Districts which heretofore have issued delinquent tax notes or certificates of indebtedness under the provisions of Chapter 16, passed at the 46th Legislature, as contained in S. B. No. 419, Acts of the 46th Legislature, to issue negotiable bonds to refund such notes and certificates, and to levy a tax for payment of such bonds; etc., and declaring an emergency."

S. B. No. 199, "An Act amending Article 923rr of the Penal Code

of the State of Texas, so that it shall be unlawful for any person, at any time, to set a trap for or trap or kill any muskrat; etc., and declaring an emergency."

S. B. No. 254, "An Act to authorize and regulate the expenditures for public purposes from county funds of designated officers in certain counties, etc., and declaring an emergency."

S. B. No. 300, "An Act amending Chapter 25, Acts of the Regular Session of the 39th Legislature of Texas, as amended, by adding a new section, to be known as Section 3b; etc., and declaring an emergency."

S. B. No. 411, "An Act providing for the setting of nets for the purpose of catching suckers, buffalo, etc., in the waters of Bosque County during certain months, and declaring an emergency."

S. B. No. 299, "An Act granting fresh water supply districts heretofore or hereafter created in certain counties, etc.; and declaring an emergency."

S. B. No. 193, "An Act amending Senate Bill No. 6 of the Regular Session of the 42nd Legislature; and declaring an emergency."

S. B. No. 398, "An Act amending Section 1 of H. B. No. 160, Acts of the First Called Session of the Forty-first Legislature, Chapter 83, page 209, as amended by H. B. No. 216, Acts of the Forty-seventh Legislature, Regular Session, by removing therefrom the restriction limiting the land which a city may purchase for airport purposes, to tracts of land within the county in which such city is situated; and providing that a city may acquire land by purchase, providing same be located within twelve miles of the corporate limits of such city, irrespective of whether the said land shall be within, or without the boundaries of the county in which such city is located; and declaring an emergency."

HOUSE BILLS ON FIRST READING

The following House Bills, introduced today, were laid before the House, read severally first time,

and referred to the appropriate committees, as follows:

By Mr. Favors:

H. B. No. 908, A bill to be entitled "An Act to provide for the maximum maintenance and bond tax rate for school purposes in all common school districts in counties having a population of not less than twenty-three thousand nine hundred and nine (23,909) and not more than twenty-three thousand nine hundred and fifteen (23,915) inhabitants, according to the last preceding Federal Census, and which counties have an assessed valuation in excess of twenty million dollars (\$20,000,000.00) according to the last preceding approved tax roll in such counties; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Heflin:

H. B. No. 910, A bill to be entitled "An Act to amend Chapter 166 of the Acts of the Regular Session of the Forty-fourth Legislature, appearing as Article 7246A of Vernon's Civil Statutes, so that the same shall read and provide as hereinafter shown, that is as the same now reads, and by adding a section thereto fixing the authority and duties, in certain enumerated cases, of assessors and collectors of taxes in counties having a population of more than Five Hundred Thousand (500,000) inhabitants according to the last preceding or any future Federal Census, by authorizing the making of certain oaths and affidavits before such assessors and collectors of taxes and their deputies; providing for the issuance of certain receipts or certificates by such assessors and collectors of taxes and their deputies, fixing fees for all such acts, providing that such fees shall be fees of office and accounted for as such, and declaring an emergency."

Referred to the Committee on Counties.

Mr. Lyle moved to introduce at this time and have placed on first reading House Bill No. 909.

The motion prevailed by the following vote:

Yeas—116

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|------------------|-------------------|
| Allison | Jones |
| Anderson | Kelly |
| Avant | Kennedy |
| Baker | Kersey |
| Bean | Kinard |
| Bell | Klingeman |
| Benton | Knight |
| Blankenship | Lansberry |
| Boone | Lehman |
| Brawner | Leyendecker |
| Bray | Love |
| Brown | Lucas |
| Bruhl | Lyle |
| Bullock | McCann |
| Bundy | McGlasson |
| Burkett | McLellan |
| Burnaman | McMurry |
| Carlton | McNamara |
| Carrington | Manford |
| Cato | Markle |
| Celaya | Martin |
| Chambers | Matthews |
| Clark | Montgomery |
| Cleveland | Moore |
| Coker | Morgan |
| Connelly | Morris |
| Craig | Morse |
| Crossley | Murray |
| Crosthwait | Pace |
| Daniel | Phillips |
| Deen | Price |
| Dickson of Bexar | Rampy |
| Donald | Reed of Bowie |
| Dove | Reed of Dallas |
| Duckett | Ridgeway |
| Dwyer | Rhodes |
| Evans | Roark |
| Ferguson | Roberts |
| Files | Sallas |
| Fitzgerald | Senterfitt |
| Fuchs | Simpson |
| Gandy | Skiles |
| Gilmer | Smith of Bastrop |
| Goodman | Smith of Atascosa |
| Halsey | Spacek |
| Hanna | Spangler |
| Hardeman | Stanford |
| Hartzog | Stinson |
| Helpinstill | Thornton |
| Henderson | Turner |
| Hobbs | Vale |
| Howington | Voigt |
| Hoyo | Walters |
| Huddleston | Wattner |
| Huffman | Weatherford |
| Hughes | White |
| Hutchinson | Whitesides |
| Isaacks | Winfree |

Nays—7

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| Ellis | Harris of Dallas |
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| Howard |
| Little |
| Mills |

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| Parker |
| Pevehouse |

Present—Not Voting

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| Alsup |
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Absent

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|------------------|-----------|
| Bailey | King |
| Bridgers | Lock |
| Colson, Mrs. | Lowry |
| Davis | McAlister |
| Dickson of Nolan | McDonald |
| Favors | Nicholson |
| Hargis | Sharpe |
| Harris of Hill | Shell |
| Heflin | Stubbs |
| Humphrey | |

Absent—Excused

| | |
|---------|---------|
| Allen | Hileman |
| Eubank | Manning |
| Garland | Taylor |

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Lyle, Mr. Dickson of Bexar, Mr. Celaya, Mr. Anderson, Mr. Dwyer, Mr. Vale, Mr. Hoyo, Mr. Ridgeway and Mr. Huffman:

H. B. No. 909, A bill to be entitled "An Act to assure full and equal accommodations, rights, and privileges to all persons of the Caucasian Race in all public places of business or amusements in Texas, repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on State Affairs.

Mr. Celaya asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 911.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Celaya:

H. B. No. 911, A bill to be entitled "An Act authorizing Corporations organized under the Laws of Texas since 1925, whose Charters have been forfeited on account of failure of the subscribers to pay in One Hundred

per cent of the subscribed Capital Stock of such Corporation or on account of failure of the officers of the Corporation to report to the Secretary of State that One Hundred per cent of the Capital Stock of such Corporations has been paid in, within two years from the date of the organization of such Corporation, which forfeitures were made so long ago that the time for reinstatement of such Corporations, and the time for winding up the business of such Corporations by the Directors as Trustees thereof has elapsed, may be validated by performing the conditions herein provided and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

ADJOURNMENT

On motion of Mr. McNamara, the House at 6:00 o'clock p. m. adjourned until 10 o'clock a. m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following Committees have filed favorable reports on bills, as follows:

Public Health: H. B. No. 901.

Banks and Banking: H. B. Nos. 514, 845 and 856.

Appropriations: H. B. Nos. 272 and 904.

Municipal and Private Corporations: H. B. No. 813.

Judiciary and Uniform State Laws: H. B. Nos. 451, 624, 786 and 822.

The Committee on Public Printing filed an adverse report on H. B. No. 455.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, April 11, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 32, A bill to be entitled "An Act making it unlawful and a felony for any person to steal any mercury used in a gas meter or measuring device or regulating device; providing for a penalty for violation of the terms of this Act; providing that it shall be prima facie evidence that mercury has been stolen to have such mercury in one's possession or to transport the same without a bill of sale or, not having a bill of sale, to be otherwise unable to establish title thereto; defining the term 'steal' and providing that such word need not be defined in any indictment for prosecution under the terms of this Act; providing that the Act shall be cumulative of all laws of the State; authorizing the prosecution thereunder whether or not the acts complained of constitute the essential elements of other or different offenses against the Penal Laws; providing a saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 118, A bill to be entitled "An Act defining and regulating the sale and/or resale of used and/or second-hand watches in the State of Texas; defining terms used therein; specifying acts constituting offenses and providing penalties therefor; providing that if any provisions of this Act shall be held unconstitutional or invalid, the remainder shall not be affected thereby; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 186, A bill to be entitled "An Act providing for the conser-

vation and protection of game in State of Texas by providing open seasons for hunting in the State; prescribing bag limits and limits on possession of game; prescribing the time when it shall be legal to hunt certain game; setting aside certain territory as a nesting and propagating ground for certain game, and prohibiting hunting and shooting therein; fixing a limitation on the kind of gun with which certain game can be hunted; authorizing game wardens to take affidavits with reference to the violation of game laws; prescribing offenses and fixing penalties; repealing all laws in conflict with this Act; providing a saving clause and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 187, A bill to be entitled "An Act defining the term 'obscene publication'; prohibiting the sale of any obscene publication; providing a penalty for violation; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 202, A bill to be entitled "An Act amending Article 3148, Revised Civil Statutes of Texas, 1925, so as to provide for the service of notice in a primary election contest upon the opposing candidate, by providing that such notice may be served upon the agent or attorney of the opposing candidate, or by leaving the notice with some person over the age of sixteen (16) years at the usual place of residence or business of the opposing candidate; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 203, A bill to be entitled "An Act amending Article 3152, Revised Civil Statutes of Texas, 1925, to provide for the service upon the contestee in a primary nomination contest of a copy of the grounds of contest together with the notice of the date set for hearing by providing that service may be had upon the agent or attorney of the contestee, or by leaving such notice with some person over the age of sixteen years at the usual place of residence or business of the contestee; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 214, A bill to be entitled "An Act amending Article 1036, Title 15, Chapter 2, of the Code of Criminal Procedure of 1925, as amended by Chapter 75, Acts of the Regular Session of the Fortieth Legislature, and by Chapter 143 of the Acts of the Regular Session of the Forty-second Legislature, providing for the payment of witness fees by the State of Texas, prescribing the procedure to be followed in the payment thereof; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 220, A bill to be entitled "An Act amending the Acts of the

Forty-sixth Legislature, 1939, Chapter 19, page 664, General Laws, being Senate Bill No. 206, pertaining to proceedings in delinquent tax suits, by adding thereto Section 5a, providing for and making admissible in evidence, in suits for delinquent taxes, statement of taxes sued for showing description of property assessed, fiscal years assessed, assessed value, to whom assessed, rate and amount of tax, amount of penalty, rate of interest, all for each fiscal year separately, total amount of taxes owing and delinquent and unpaid; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 301, A bill to be entitled "An Act providing that officers, agents or employees of certain depository banks shall be disqualified from holding or exercising the office of school trustee; repealing all laws in conflict; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 310, A bill to be entitled "An Act to amend Chapter 7, Title 93 of the Revised Civil Statutes of Texas of 1925, as amended, pertaining to weight per bushel or barrel, by amending Article 5734; repealing weights per bushel, barrel, and cubic yard for certain commodities; defining the terms 'ton' and 'cord'; describing the method for stacking and measuring wood; repealing Article 5735 and all other laws in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 312, A bill to be entitled "An Act amending Article 2843 of the Revised Civil Statutes (1925), of the State of Texas providing for a uniform free text book system, and declaring and emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 341, A bill to be entitled "An Act authorizing and directing the Comptroller of Public Accounts and the Treasurer of the State of Texas to cancel and charge off as worthless and uncollectible Two Hundred Ninety-five Thousand Eight Hundred (\$295,800) Dollars in bonds issued by the Houston Tap and Brazoria Railway Company, which are held by the Treasurer in the account of the Permanent Free School Fund together with all claims and charges for or on account of interest thereon; directing that the bonds when canceled shall be given into the custody of the State Librarian, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 342, A bill to be entitled "An Act authorizing and directing the Comptroller of Public Accounts and the Treasurer of the State of Texas to cancel and charge off certain bonds issued in the name of the Houston and Texas Central Railway Company and the Washington County Railroad Company and certain bonds issued by the Buffalo Bayou, Brazos and Colorado Railway Com-

pany which were assumed by the Gulf, Harrisburg and San Antonio Railway Company, directing that such bonds when canceled shall be delivered to the companies which were obligated for their payment; authorizing and directing the transfer of certain sums from the Available School Fund to the State Permanent School Fund for the purpose of adjusting the accounts between said funds upon transactions relating to said bonds, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 393, A bill to be entitled "An Act providing that in counties containing a population of not less than eighty-three thousand (83,000) and not more than eighty-three thousand three hundred and fifty (83,350), as shown by the last preceding Federal Census, and which contain Navigation Districts, Water Improvement Districts and Water Control and Improvement Districts, the County Auditor shall audit books, accounts, records, bills and warrants of such Districts, and other districts created for improvement and conservation purposes which are not administered by the Commissioners Court of such counties; providing that the officers and directors of such Districts shall on or before the 10th of each month, make and file with the County Auditor reports in writing of collections and disbursements, and providing that annually, between July 1st and October 1st, the County Auditor shall audit the books, accounts, records, bills and warrants of such districts; providing that only Articles 1667, 1672, 1673, Revised Statutes of Texas, shall apply to such counties; repealing all laws and parts of laws in conflict herewith; providing if any part of this Act shall be declared unconstitutional, it shall not affect the validity of the remainder; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 407, A bill to be entitled "An Act to provide for the recording of official discharges of soldiers, sailors, and other persons in the service of the United States under the Selective Training and Service Act of 1940, Public Number 783, 76th Congress, Chapter 720, 3d Session, S-4164, approved September 16, 1940; authorizing the Commissioners' Court to expend County funds to provide necessary books for said purpose; making it the duty of the County Clerk of each County to make such record; directing the payment to the County Clerk out of County funds of a fee for said services; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 465, A bill to be entitled "An Act providing that in all counties in the State of Texas, having a County Court at Law for Civil or Criminal Cases, the Judge of such County Court at Law shall, in all cases of disqualification, inability or absence of the County Judge, preside in place of the County Judge in all Probate proceedings, and shall preside over the Juvenile Court and the Lunacy Court of such County; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 506, A bill to be entitled "An Act amending Section 12, Chapter 271, Acts of the Regular Session of the Forty-second Legislature; and declaring an emergency."

Has carefully compared same and finds it carefully engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 521, A bill to be entitled "An Act authorizing any county or any incorporated city or town of this State, acting through its governing body, to acquire by purchase out of local funds, gift, bequest or otherwise, tracts of land suitable for the growth of trees, and to administer the same, as well as any other land now owned by such political subdivision and suitable for the growth of trees, as community forests; providing that such community forests and the administration thereof shall be under the supervision and have the counsel and co-operation of the Texas Forest Service; providing further that such community forests shall in all respects be subject to the laws of this State with respect to the forestation service; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 542, A bill to be entitled "An Act, providing a special season on Mondays, Wednesdays and Fridays during the period December 1 to January 16 in Hopkins and Franklin Counties; providing a penalty for violation of this Act, repealing conflicting laws; and declaring an emergency and the effective date of this Act."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 569, A bill to be entitled "An Act to amend Special Laws, Acts, Forty-second Legislature, page 457, Chapter 236, Section 1, establishing a County Law Library in certain counties; providing a fund to be raised by collecting costs in certain civil and criminal cases, and for the administration of said fund; providing for appointment of custodian or librarian and assistants; providing salaries to be fixed by the Commissioners Court; providing for housing and management; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 576, A bill to be entitled "An Act to repeal Article 4201a, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 613, A bill to be entitled "An Act repealing Article 2883a, Chapter 17, Revised Statutes of Texas, Acts of the 46th Legislature, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 670, A bill to be entitled "An Act to establish and maintain an Agricultural Experiment Station for the development of dairy, poultry and truck crops in the Thirty-fifth District of Texas, authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station and empowering said Board of Directors to establish and maintain the same; to accept donations of land, water and money for establishing said station and for the operation of same; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 683, A bill to be entitled "An Act Providing that it shall be unlawful for any person to kill, wound, shoot at, hurt or molest any wild animals, wild birds, or wild fowl found within the bounds of any public park under the control of the Texas State Parks Board, at any season of the year, providing a penalty; and authorizing any peace officer to arrest without warrant for a violation of any provision of this Act; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 686, A bill to be entitled "An Act amending Section 1 of Chapter 168, S. B. No. 203, of the General Laws of the Regular Session of the 42nd Legislature so as to authorize the State Parks Board to operate or grant concessions in State Parks and to operate concessions or make concession contracts for any causeway, beach drive or other improvements in connection with State Park sites; and providing

that the revenue thus earned shall when collected be placed in the State Treasury; and authorizing the said Board to make such rules and regulations for the carrying out of this Act and the Laws of this State relative to State Parks, as it may deem necessary not in conflict with law; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 744, A bill to be entitled "An Act authorizing the Commissioners' Court in all counties having a population of not less than five thousand, five hundred (5,500) and not more than five thousand, five hundred seventy-five (5,575), and in counties having a population of not less than two thousand, eight hundred twenty-five (2,825) and not more than two thousand, nine hundred (2,900), according to the last preceding Federal Census, to allow each County Commissioner and County Judge certain traveling expenses while traveling on official business; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 752, A bill to be entitled "An Act providing for the annexation of territory not embraced in a water improvement district; prescribing the manner of such annexation; providing for filing of petition for annexation, notice and hearing thereon; providing that annexation shall not become final until ratified at separate elections held for that purpose; prescribing the manner of holding said elections, and the vote required for ratification; providing that upon a favorable vote the added

territory shall be and become a part of the district as of the date of elections and subject to all laws governing such district, and shall bear its pro rata part of all indebtedness or taxes that may be owed, contracted, or authorized by said district to which it shall have been added; providing that such addition shall not affect the officers, employees and affairs of such district, and that voters of such added territory shall have right to participate in all matters of the district considered or voted upon thereafter; providing that the provisions of the Act shall be cumulative of and in addition to all other laws providing for the addition of territory to water improvement districts; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 753, A bill to be entitled "An Act amending subsection (n), Section 19, Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended in subsection (n), Section 19, Chapter 67, Acts of the Forty-fifth Legislature, as amended in subsection (o), Section 19, Senate Bill No. 21, Acts of the Forty-sixth Legislature, to define the term 'wages' as being exclusive of gratuities, including tips; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 755, A bill to be entitled "An Act providing that the closed season on fishing in Blanco County shall be for the months of February, March and April; providing that

otherwise the fishing laws of H. B. No. 1114, Acts of the 46th Legislature, applying to Blanco County and certain other counties, shall be and remain in force in Blanco County; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 759, A bill to be entitled "An Act fixing the compensation of Tax Assessor-Collector in all counties having certain population, etc.; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 775, A bill to be entitled "An Act amending Article 3912e, Section 15, of Chapter 1 of Title 61 of the Revised Civil Statutes of the State of Texas by adding to Article 3912e, after Section 15, an additional Section to be known as Section 15a; providing that in counties having a population of not less than Twenty-four Thousand and Five Hundred (24,500) and not more than Twenty-four Thousand and Seven Hundred (24,700), according to the last preceding Federal Census and which has an assessed valuation of not less than Twenty Million (\$20,000,000.00) Dollars, according to the last preceding approved tax roll of such counties, the County Judge's salary is hereby fixed at Thirty-four Hundred and Twenty (\$3,420.00) Dollars; repealing all laws in conflict therewith and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 776, A bill to be entitled "An Act amending Chapter 2 of Title 34, Article 1645, of the Revised Civil Statutes of the State of Texas, providing for a new Article to be added after 1645, to be known as Article 1645e-2, providing that the County Auditor in counties having a population of not less than Twenty-four Thousand Five Hundred (24,500) and not more than Twenty-four Thousand Seven Hundred (24,700) inhabitants according to the last preceding Federal Census, and having an assessed valuation of more than Twenty Million (\$20,000,000.00) Dollars, according to the last preceding approved tax roll of such counties, shall receive as compensation for his services One Hundred Fifty (\$150.00) Dollars for each One Million (\$1,000,000.00) Dollars or major portion thereof on the assessed valuation, such annual salary to be paid in twelve (12) monthly installments or in the same manner as other county officers are paid in said county; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 777, A bill to be entitled "An Act amending Chapter 1, Title 116, of the Revised Civil Statutes of the State of Texas, by adding Article 6675a-2b, providing that in counties having a population of not less than Twenty-four Thousand Five Hundred (24,500) and not more than Twenty-four Thousand Seven Hundred (24,700) inhabitants according to the last preceding Federal Census the County Tax Collector may establish a sub-office or branch office for the sale of motor vehicle license plates at one or more places in the county other than the office of the

County Tax Collector, and may appoint a deputy to make such sales under the same power and authority as if they were made at the court house and in the office of the Tax Collector, and all reports of such sub or branch offices shall be made through the regular office of the Tax Collector just as if though the sales were actually made in his office; repealing all laws in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 793, A bill to be entitled "An Act to authorize all independent school districts in certain counties to pay present outstanding legal indebtedness of the said school districts by refunding warrants to bear interest of not more than six (6) per cent per annum and to be payable out of a portion of the local maintenance taxes; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 795, A bill to be entitled "An Act authorizing the Commissioners Court in any county having a population of not less than one hundred and two thousand (102,000) and not more than one hundred and ten thousand (110,000), according to the last preceding Federal Census, to allow each County Commissioner certain expenses for traveling and in connection with the use of his automobile on official business; requiring each such Commissioner to pay the expense of operation and repair of such automobile so used by him without further expense to the county; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 797, A bill to be entitled "An Act making permanent Roane Independent School District No. 93, situated in Navarro County, without regard to number of scholastics therein; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGER, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 807, A bill to be entitled "An Act amending Article 3930 of the Revised Civil Statutes of Texas of 1925, relating to certain services and fees of the County Clerks of this State, so that, by this Amendment of said Article 3930, the services which such Clerks are required to render will be more clearly set forth; and providing that after this Act takes effect the County Clerks of this State shall charge and collect a fee of Forty (40) Cents for filing and recording each rental lien or chattel mortgage deposited with them; providing that such Clerks shall neither charge nor collect any fee for entering satisfaction of any rental lien or chattel mortgage deposited with them after this Act takes effect; declaring the intent and purpose of the Legislature; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 809, A bill to be entitled "An Act amending Section 3, Ch. 88, General Laws, Second Called

Session, 41st Legislature, Acts 1929, as amended by Section 1, Chapter 3, General Laws, Second Called Session, 43rd Legislature, Acts 1934; and as amended by Section 1, Ch. 51, General Laws, Regular Session, 44th Legislature, Acts 1935; so as to exempt motor vehicles, trailers and semi-trailers owned and used exclusively in the service of any Drainage District from the payment of any license or registration fees to the State of Texas; providing a safety clause; providing for the repeal of all laws and parts of laws in conflict with this Act; and declaring and emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 823, A bill to be entitled "An Act amending Chapter 6, Acts of the 36th Legislature, First Called Session, to provide that county attorneys of the Sixth Judicial District of Texas, composed of Fannin and Lamar Counties, may each employ a stenographer, by and with the consent of the Commissioners' Court of his respective county, with a salary payable from county funds as fixed by order of the court; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 825, A bill to be entitled "An Act to amend Section 4 of Article 2 of Chapter 495, Acts, 1936, Forty-fourth Legislature, Third Called Session, as amended by Section 2 of Senate Bill No. 9, Acts, 1939, Forty-sixth Legislature, Regular Session, page 541, to provide that the ability of a child or children to support an applicant or recipient of old age assistance shall

not be considered as a fact or circumstance in determining the eligibility of an applicant for old age assistance, and shall not be inquired into; and to provide that the possession by an applicant of cash on hand in the sum of Three Hundred and Sixty Dollars (\$360.00), or less, shall not be considered as an asset and an applicant having Three Hundred and Sixty Dollars (\$360.00), or less, cash on hand, shall be eligible for old age assistance; and declaring an emergency."

Has carefully compared same and find it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 826, A bill to be entitled "An Act making it lawful to take or attempt to take any fish from the waters of the Pedernalis River in Blanco County, Texas, by any method, means, or device equipped with more than two (2) hooks, including trot lines; repealing all laws in conflict; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 829, A bill to be entitled "An Act providing for jury wheel system of selecting jurors in all counties having a population of at least twenty thousand, seven hundred and fifty (20,750) and not more than twenty thousand, eight hundred (20,800) inhabitants, as shown by the last Federal Census; prescribing the duties of the Tax Assessor-Collector, County Judge, Sheriff, County Clerk, and District Clerk in regard thereto; . . . and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 830, A bill to be entitled "An Act authorizing the Commissioners' Court in any county having a population of not less than eighty-three thousand (83,000) and not more than eighty-four thousand (84,000), according to the last preceding Federal Census, to allow each County Commissioner certain expenses for traveling and in connection with the use of his automobile on official business; requiring such Commissioner to pay the expenses of operation and repair of such automobile so used by him without further expense to the county; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 833, A bill to be entitled "An Act amending Article 3943, Revised Civil Statutes of Texas, 1925, as amended by Chapter 230, Acts of the Fortieth Legislature, Regular Session, as amended by Chapter 346, Acts of the Forty-second Legislature, Regular Session, as amended by Chapter 252, Acts of the Forty-fifth Legislature, Regular Session, providing for commissions to be paid to County Treasurers in various counties in Texas; providing for certain commissions and compensation to be paid to County Treasurers in certain counties in Texas; providing for the fixing of such commissions and compensation by the Commissioners Courts; providing that this Act shall be cumulative of the General Laws of this State on the subject of County Treasurers when not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws and parts of laws in conflict

herewith; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 839, A bill to be entitled "An Act making it unlawful to kill or attempt to kill deer, or wild quail or trap or molest same in Duval County for a period of five years; providing a penalty; repealing all conflicting laws and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 843, A bill to be entitled "An Act declaring all of the area inundated by the waters of Lake Corpus Christi to be a wild-life sanctuary; prohibiting the carrying of firearms thereon; providing a penalty for violation of this Act; repealing conflicting laws; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 847, A bill to be entitled "An Act authorizing the county board of trustees in counties having a population of not less than Nine Thousand and Seventy (9,070) nor more than Nine Thousand, Two Hundred (9,200), as shown by the Federal Census of 1940, to set aside a certain amount of the Available School Fund apportioned to such counties to defray certain expenses

in the administration of the scholastic affairs of such counties; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 850, A bill to be entitled "An Act authorizing the Commissioners Court in Wharton County to allow each County Commissioner certain expenses in connection with the performance of the duties as Road Commissioner in addition to the duties as County Commissioner; providing for the payment of the same; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 852, A bill to be entitled "An Act providing that in all counties in this State having a population of not less than 6,650 nor more than 7,000, according to the last preceding Federal Census, the County Commissioners shall receive an annual salary of One Thousand Two Hundred (\$1,200.00) Dollars, payable in twelve equal monthly installments out of the general fund of the county or out of such other funds as the Commissioners' Court may designate; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 854, A bill to be entitled "An Act authorizing Independent School Districts, upon the order of its trustees, with the consent of the State Superintendent of Public Instruction, to sell, exchange and convey real property, or any part thereof, belonging to said school district, and to apply any proceeds to the purchase of necessary ground or to the building or repairing of school houses, or to the credit of the available school fund of the district, and validating all sales theretofore made by any district in substantial compliance with the provisions hereof; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 855, A bill to be entitled "An Act providing (1) an open season for quail in Henderson County from December 1 in one year to January 16 in the following year, both days inclusive; (2) that it shall be lawful to kill quail in Henderson County on Monday, Wednesday and Friday of each week, after the 1st day of December, 1941, and continuing until and including the 16th day of January, 1942, and during the same time each year thereafter on the same days of the week; that twelve (12) quail shall be the limit which any one person may kill in any one day during this period; (3) that quail may be hunted and killed in Henderson County only on Sundays and Wednesdays during the period from December 1 of one year to January 16th of the following year, both days inclusive; (4) that it shall be unlawful to take, kill, or attempt to take or kill any quail in Henderson County; providing that no section of this Act shall be effective in Henderson County unless and until the qualified voters of the county, by a majority vote at an election held for such purposes, shall have voted therefor; providing that only one section of this Act shall be

submitted at any one time for ratification; providing the manner of calling and holding such election; providing for the posting of returns of such election, describing the length of time which must intervene before a second election may be held on the same matter; etc.; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 865, A bill to be entitled "An Act to amend Section 1 of House Bill No. 556, Chapter 59, Acts of the Regular Session of the Forty-fourth Legislature, page 145, so as to change the time of holding the terms of the District Court in the 86th Judicial District composed of Van Zandt, Kaufman and Rockwall Counties; and prescribing the effective date of this Act."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 868, A bill to be entitled "An Act authorizing the Commissioners' Court in any county having a population of not less than Twenty-seven Thousand Fifty-nine (27,059) and not more than Twenty-seven thousand One Hundred Fifty (27,150) according to the last preceding Federal Census, to allow each County Commissioner certain expenses for traveling, providing for the purchase of automobiles by the county for the use of the County Commissioners on official business, providing for the method of purchase; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed bills, to whom was referred

H. B. No. 869, A bill to be entitled "An Act authorizing the Commissioners Court in any county having a population of not less than Twenty Thousand and Fifty (26,050) and not more than Twenty Thousand, One Hundred and Fifty (20,150), according to the last preceding Federal Census, to allow each County Commissioner certain expenses for traveling in connection with the use of his automobile on official business; requiring each such Commissioner to pay the expense of operation and repair of such automobile so used by him without further expense to the county, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 870, A bill to be entitled "An Act making it unlawful for any person to hunt, snare, kill, or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn or wild turkey in the Counties of Walker, San Jacinto, Montgomery, Brazos and Grimes, in the State of Texas, for a period of four years from and after the passage of this Act; providing a penalty therefor; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 873, A bill to be entitled "An Act to amend Chapter 83, Senate Bill No. 179, of the General

Laws passed by the Forty-First Legislature of the State of Texas, Second Called Session, by amending Section 4 of said Act to provide that no person shall be certified to teach in the public schools of the State of Texas until he has secured credit for the course in both Federal and State Constitution of the grade of instruction upon which he is applying for the certificate; or in lieu thereof, shall have passed an examination set by the State Superintendent of Public Instruction on the Constitution of the United States and Texas; provided any person who has to his credit in any college or university of Texas as much as six (6) hours of American Government shall be deemed to have met the requirements of this section; providing that after September 1, 1941, no student shall be awarded the bachelor's degree from any tax-supported State educational institutions unless such student shall have completed theretofore in a standard college or university at least six (6) hours for credit in the government of the State of Texas or of the United States of America, or the equivalent in both; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 883, A bill to be entitled "An Act defining the jurisdiction of the County Court of Shelby County and diminishing its civil jurisdiction; providing that the District Court of Shelby County shall have jurisdiction in all civil matters over which by the law the County Court would have jurisdiction; providing for the transfer of civil causes from the County Court to the District Court of Shelby County; providing for the repeal of all laws in conflict therewith; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 891, A bill to be entitled "An Act to validate, ratify, approve, and confirm the acts of all housing authorities created by and organized pursuant to the 'Housing Authorities Law' of the State of Texas, and which are located in any county in Texas having a population of not less than ninety thousand (90,000), and not more than one hundred thousand (100,000), according to the last preceding Federal Census, in undertaking the development and administration of housing projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities, who would not otherwise be able to secure dwellings within the vicinity thereof; and to validate, ratify, approve, confirm, and declare enforceable all bonds, notes, and obligations of such housing authorities issued for projects heretofore undertaken to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 904, A bill to be entitled "An Act making an appropriation of the sum of Three Hundred Thousand Dollars (\$300,000), or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expense, and to pay the mileage and per diem of members and the per diem of officers and employees of the Regular Session of the Forty-seventh Legislature; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 84, Granting James ("Jim") I. Morgan permission to bring suit against the State of Texas.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 88, Extending the registration date limit of commercial motor vehicles to April 28, 1941.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, April 10, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 74, "An Act to amend Article 2970, Title 50, Chapter 5, of the Revised Civil Statutes of Texas, of 1925, as amended by Section 2 of Chapter 2, Acts of the Forty-sixth Legislature, Regular Session, 1939, page 296; repealing all laws in conflict; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 14, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 75, "An Act to amend Article 2961 and Article 2962 of the Revised Civil Statutes of Texas, 1925; repealing all laws and parts of laws in conflict; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 14, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 83, "An Act making an appropriation out of any moneys in the State Treasury not otherwise appropriated for the use of the Nueces River Conservation and Reclamation District, to aid said District in making the necessary surveys and preparing the necessary plans for its construction program; making an appropriation out of any moneys in the State Treasury not otherwise appropriated for the use of the Guadalupe-Blanco River Authority; the Upper Colorado River Authority; the Lower Concho River Water and Soil Conservation Authority; the Panhandle Water Conservation Authority; Pease River Flood Control District; Lower Neches Valley Authority; Upper Guadalupe River Authority, Reclamation District; the Upper Red River Flood Control District; and the Sabine-Neches Conservation District; providing these appropriations shall be repaid to the State of Texas; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 14, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 87, "An Act authorizing the qualified voters of any independent school district situated wholly within one county, and containing not less than ninety (90) square miles in area, and also having an assessed property valuation of not less than Thirty-five Million Dollars (\$35,000,000), to determine whether or not any such district shall levy a tax for maintenance and bond purposes, the maximum of which for both of such purposes shall not exceed One Dollar and Twenty-five Cents (\$1.25) on the one hundred dollars valuation in any one year;

providing that said tax shall be authorized, levied, assessed, and collected under provisions of the law applicable to independent school district taxes; validating elections heretofore held in any such district at which a tax for the amount and the purposes stated was authorized by the qualified voters voting on the proposition; validating all acts and proceedings of the county board of school trustees of the county in which any such independent school district is situated increasing the area of such independent school district; validating all acts and proceedings of the board of trustees of any such independent school district in respect to increasing the area thereof; providing that where any such independent school district has been converted into a junior college district, and has been continuously recognized as a junior college district by the State Board of Education, all acts or proceedings of the board of school trustees of the county in which such junior college district is situated, increasing the area of such junior college district so that the boundaries thereof will be the same as the boundaries of such independent school district, are hereby legalized, approved, and validated; providing that all acts or proceedings of the board of education of any such junior college district in respect to increasing the area thereof so that the boundaries of the junior college district will be coterminous with the boundaries of such independent school district, which acts or proceedings have been approved by the board of county school trustees, are hereby legalized, approved, and validated; providing the provisions hereof shall not apply to any such proceedings, the validity of which has been contested in any pending suit or litigation; providing that if any part of this Act be held unconstitutional, it shall not affect any other part of this Act; enacting provisions incident and relating to the subject and purpose of this Act; providing that nothing in this Act shall in any manner affect, repeal, suspend or modify any part of Senate Bill No. 402, Acts of the Regular Session of the Thirty-eighth Legislature; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 14, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. B. No. 201, "An Act amending Article 2351 of the Revised Civil Statutes of Texas, 1925, by adding thereto a provision empowering the Commissioners Court of each county of this State to create a revolving fund or funds and to make appropriation thereto out of the general revenue of such county, to aid and assist in carrying out the purposes and provisions of an Act of Congress of the United States pertaining to the distribution of commodities to persons in need of assistance under the direction of the United States Department of Agriculture, provided that the county shall have on hand at all times either said moneys appropriated or the equivalent thereof in stamps issued by said Department of Agriculture; providing for an issuing officer to carry out the provisions of this Act; prescribing his qualifications, method of appointment, duties, salary, and requiring that a good and sufficient surety bond shall be furnished; providing the powers herein granted may be exercised by two or more counties in conjunction with each other and in cooperation with the United States Department of Agriculture and providing for the manner of appointing the issuing officer and the filing of appointees's bond; providing the Commissioners Courts shall cooperate with any incorporated city or town on such conditions and requirements as promulgated by such Commissioners Court or Courts; providing for the return of moneys when a revolving fund ceases; providing a saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 14, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 256, "An Act to provide that the Commissioners Court of any county in the State may abolish dormant road districts which have paid off and discharged all of the bonds issued and sold by said road district, or when an election in such created road district for issuance of bonds shall have failed, or when the bonds issued by such road district have been assumed and exchanged for county bonds under the Compensation Bond Statutes, Chapter 16, page 23, General Laws, Thirty-ninth Legislature, First Called Session, 1926; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 14, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 442, "An Act validating certain outstanding Road and Bridge Time Warrants of Medina County, Texas, heretofore issued to provide funds for road and bridge purposes, including the purchase of rights of way and road machinery; and authorizing the Commissioners Court of Medina County to fund or refund into common road and bridge funding or refunding bonds of said County, said Time Warrants to the amount of Forty-nine Thousand, Five Hundred Dollars (\$49,500); providing for the approval of said bonds by the Attorney General and their registration by the State Comptroller; making this Act cumulative of other Laws, the provisions of this Act to control in case of conflict; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 14, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 493, "An Act authoriz-

ing the Commissioners Court in each county in this State having a population of not less than eighteen thousand, four hundred and forty-four (18,444) and not more than eighteen thousand, five hundred (18,500); and counties having a population of not less than twelve thousand, three hundred and forty-four (12,344) nor more than twelve thousand, four hundred (12,400), according to the last preceding Federal Census, to allow each County Commissioner certain expenses for traveling and in connection with the use of his automobile on official business only and/or in overseeing the construction and maintenance of the public roads of the county, to be paid out of Road and Bridge Fund of the respective Commissioner's precinct; requiring each such Commissioner to pay the expense of operation and repair of such vehicle so used by him without any further expense whatsoever to the county; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 14, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 557, "An Act to make it unlawful to take, hunt, trap, shoot, or kill any deer and/or wild turkey for a period of five (5) years in Roberts and Hemphill Counties, Texas; fixing penalties; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 14, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 596, "An Act creating the County Court at Law of Travis County, Texas; defining the jurisdiction of said Court; regulating practice therein; prescribing the terms

of said Court; providing for Clerk and seal of said Court and prescribing the duties of the Sheriff and County Attorney in relation to said Court; limiting the jurisdiction of the County Court of Travis County; and providing for the transfer of cases pending and to be filed in the County Court of Travis County to the said Court hereby created, and for appeals from inferior Courts to the Court hereby created, and for appeals from said Court; creating the office of Judge of the County Court at Law of Travis County; providing for the appointment, election, removal, bond, and salary of the Judge of said Court and prescribing his qualifications; providing for a Special Judge; providing for the disposition of fees; providing for a Court Reporter and transfer of juries; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 14, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 714, "An Act providing for a closed season for taking wild deer and wild turkey in the Counties of Red River, Lamar, Fannin, and Bowie for five (5) years; providing a penalty; repealing conflicting laws; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 14, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 817, "An Act creating a special road law for DeWitt County, Texas; providing that said County may fund or refund into coupon bonds the scrip and time warrants outstanding against its Road and Bridge Fund as of the 31st day of March, 1941; setting forth the method of said funding or refunding;

validating all Acts of the Commissioners Court in issuing said scrip and time warrants; validating said scrip and time warrants; providing the General Laws of the State of Texas shall be applicable to DeWitt County when not in conflict herewith; providing this Act shall be cumulative of all General and Special Laws not in conflict herewith; providing a saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 14, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 74, Authorizing the State Highway Department of Texas to lend a quantity of discarded guard wire to several schools in Stephens County.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 14, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 87, Authorizing the Enrolling Clerk of the House to make certain corrections in House Bill No. 557.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

SENT TO THE GOVERNOR

April 14, 1941

House Bill No. 74.

House Bill No. 75.

House Bill No. 557.

House Bill No. 201.

House Bill No. 256.

House Bill No. 493.

House Bill No. 596.

House Bill No. 817.

House Bill No. 87.

House Bill No. 83.

House Bill No. 442.

House Bill No. 714.

House Concurrent Resolution No. 74.

House Concurrent Resolution No. 87.

In Memory of
The Honorable Morris Sheppard



Mr. Reed of Bowie offered the following resolution:

H. S. R. No. 202, In Memory of the Honorable Morris Sheppard.

Whereas, Texas and the Nation have suffered a great loss in the death of Honorable Morris Sheppard on April 9, 1941, in the Nation's capitol; and,

Whereas, Senator Sheppard was born May 28, 1875, at Wheatville, Morris County, Texas, and attended the public schools of Texas, graduating from the University of Texas Academic Department in 1895 and from the Law Department in 1897, and then from the Yale University Law School in 1898; and, began the practice of law at Pittsburg, Texas, removing to Texarkana in 1899 where he continued in his chosen profession, during which time he married Miss Lucille Sanderson of Texarkana, and where he made his home until called to rest from his earthly labors; and

Whereas, He was elected to the National House of Representatives to fill out the unexpired term of his father, Honorable John L. Sheppard, and was reelected to the 58th through the 62nd Congresses and was nominated for United States Senator from Texas at the Democratic primary, July 27, 1912, and was elected by the Legislature of the State of Texas, January 29, 1913, to fill the vacancy occasioned by the resignation of Senator Joseph W. Bailey; and, he was also elected at the same time for the full term of United States Senator, beginning on March 4, 1913, and was reelected four times. Senator Sheppard was in his 39th consecutive year of service in Congress, dating from October 11, 1902—a longer service than that of anyone living; and,

Whereas, Senator Sheppard's handiwork left an enduring page in our national history when he became the author of the Eighteenth Amendment, which brought 14 years of national prohibition. His sincerity and straightforwardness in the advocacy of national prohibition and his stern fidelity to conscience and conviction enabled him to hold the respect and the affection of those who most sharply disagreed with him upon the principle of government involved in the Eighteenth Amendment; and,

Whereas, Senator Sheppard was one of the leading orators of the country and never hesitated to lift his voice in support of those causes which he thought to be right; and,

Whereas, He was a man of peace and a practical idealist, yet his feet were firmly implanted in the bedrock of lasting principles of government and, in his service as Chairman of the Senate Committee on Military Affairs since 1933 Senator Sheppard became a casualty of our monumental preparedness program and an American victim of war aggressors. True to his exacting conscience he kept up meticulously with his other work on the committee on campaign expenditures and use of government funds, and especially as Chairman of the subcommittee on Rivers and Harbors, in which capacities he contributed much to the passage of the Hatch clean politics bill and became known as an outstanding advocate of waterways; and,

Whereas, Senator Sheppard was a man of unimpeachable honesty and integrity, exceedingly well versed in the science of government and public affairs, both by training and experience, courtly and gentlemanly in all of his dealings with his fellowman and a friendly counselor to all, and has left behind him a host of friends and admirers throughout the State and Nation to mourn his passing; and,

Whereas, The untimely death of Senator Sheppard is a sacrifice he made willingly on the altar of his Country in this time of great national emergency and the example of statesmanship and patriotism set by him is an inspiration to guide those who may follow him in paths of devotion to his country and of willing and constructive service for its safety and preservation; and,

Whereas, Texas has lost a noble son; the Democratic Party a faithful apostle; the Federal Government a devoted, tolerant and valuable leader, "who never sold the truth to serve the hour" and the spirit of human freedom and liberty a staunch and unwavering defender; and,

Whereas, It is the desire of the Members of the House of Representatives to pay tribute to a life of such distinguished and patriotic service and to the blessed memory of this most eminent son of the Lone Star State

"Who, like the stars by day
Is withdrawn from mortal eye
But not extinct, he holds his sway
In glory through the sky."

Now, therefore, be it Resolved by the House of Representatives of the State of Texas, That the passing of this great man be acknowledged by directing that a copy of this resolution be spread upon the Journal as an expression of the love, esteem and respect in which this most distinguished gentleman, lawyer, orator, scholar, statesman, and patriot of Texas was held; and, be it further

Resolved, That a copy of this resolution be forwarded, under seal of the House of Representatives, to Mrs. Sheppard, the devoted and admiring companion and helpmate throughout the years, and to his three daughters, and that when the House of Representatives ad-

journals today that it do so in silent tribute to the Honorable Morris Sheppard whose name and memory shall abide with us always.

REED of Bowie,
McCANN,
HARDEMAN.

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison, Alsup, Anderson, Avant, Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett, Burnaman, Carlton, Carrington, Cato, Celaya, Chambers, Clark, Cleveland, Coker, Mrs. Colson, Connelly, Craig, Crossley, Crosthwait, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Ellis, Eubank, Evans, Favors, Ferguson, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Halsey, Hanna, Hargis, Harris of Dallas, Harris of Hill, Hartzog, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kelly, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lansberry, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, Lyle, McAlister, McDonald, McGlasson, McLellan, McMurry, McNamara, Manford, Manning, Markle, Martin, Matthews, Mills, Montgomery, Moore, Morgan, Morris, Morse, Murray, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rampy, Reed of Dallas, Ridgeway, Rhodes, Roark, Roberts, Sallas, Senterfitt, Sharpe, Shell, Simpson, Skiles, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stinson, Stubbs, Taylor, Thornton, Turner, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides, and Winfree.

On the motion of Mr. Hartzog, the names of all the Members of the House were added to the resolution as signers thereof.

On motion of Mr. Reed of Bowie a picture of the Hon. Morris Sheppard was ordered printed in the Journal and the front page of the Journal was dedicated for the resolution.

The resolution was unanimously adopted by a rising vote.